

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8399
OFFERED BY MR. Morelle

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Democracy Is Strengthened by Casting Light On Spend-
4 ing in Elections Act of 2024” or the “DISCLOSE Act
5 of 2024”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

**TITLE I—CLOSING LOOPHOLES ALLOWING SPENDING BY
FOREIGN NATIONALS IN ELECTIONS**

Sec. 101. Clarification of application of foreign money ban to certain disbursements and activities.

Sec. 102. Study and report on illicit foreign money in Federal elections.

Sec. 103. Prohibition on contributions and donations by foreign nationals in connection with ballot initiatives and referenda.

Sec. 104. Disbursements and activities subject to foreign money ban.

Sec. 105. Prohibiting establishment of corporation to conceal election contributions and donations by foreign nationals.

TITLE II—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

Sec. 201. Reporting of campaign-related disbursements.

Sec. 202. Reporting of Federal judicial nomination disbursements.

Sec. 203. Coordination with FinCEN.

Sec. 204. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.

Sec. 205. Sense of Congress regarding implementation.

Sec. 206. Effective date.

TITLE III—OTHER ADMINISTRATIVE REFORMS

- Sec. 301. Petition for certiorari.
- Sec. 302. Judicial review of actions related to campaign finance laws.
- Sec. 303. Effective date.

TITLE IV—STAND BY EVERY AD

- Sec. 401. Short title.
- Sec. 402. Stand by every ad.
- Sec. 403. Disclaimer requirements for communications made through prerecorded telephone calls.
- Sec. 404. No expansion of persons subject to disclaimer requirements on internet communications.
- Sec. 405. Effective date.

TITLE V—SEVERABILITY

- Sec. 501. Severability.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Campaign finance disclosure is a narrowly
4 tailored and minimally restrictive means to advance
5 substantial government interests, including fostering
6 an informed electorate capable of engaging in self-
7 government and holding their elected officials ac-
8 countable, detecting and deterring quid pro quo cor-
9 ruption, and identifying information necessary to en-
10 force other campaign finance laws, including cam-
11 paign contribution limits and the prohibition on for-
12 eign money in U.S. campaigns. To further these
13 substantial interests, campaign finance disclosure
14 must be timely and complete, and must disclose the
15 true and original source of money given, transferred,
16 and spent to influence Federal elections. Current law
17 does not meet this objective because corporations

1 and other entities that the Supreme Court has per-
2 mitted to spend money to influence Federal elections
3 are subject to few if any transparency requirements.

4 (2) As the Supreme Court recognized in its per-
5 curiam opinion in *Buckley v. Valeo*, 424 U.S. 1,
6 (1976), “disclosure requirements certainly in most
7 applications appear to be the least restrictive means
8 of curbing the evils of campaign ignorance and cor-
9 ruption that Congress found to exist.” *Buckley*, 424
10 U.S. at 68. In *Citizens United v. FEC*, the Court re-
11 iterated that “disclosure is a less restrictive alter-
12 native to more comprehensive regulations of speech.”
13 558 U.S. 310, 369 (2010).

14 (3) No subsequent decision has called these
15 holdings into question, including the Court’s decision
16 in *Americans for Prosperity Foundation v. Bonta*,
17 141 S. Ct. 2373 (2021). That case did not involve
18 campaign finance disclosure, and the Court did not
19 overturn its longstanding recognition of the substan-
20 tial interests furthered by such disclosure.

21 (4) Campaign finance disclosure is also essen-
22 tial to enforce the Federal Election Campaign Act’s
23 prohibition on contributions by and solicitations of
24 foreign nationals. See section 319 of the Federal
25 Election Campaign Act of 1971 (52 U.S.C. 30121).

1 (5) Congress should close loopholes allowing
2 spending by foreign nationals in domestic elections.
3 For example, in 2021, the Federal Election Commis-
4 sion, the independent Federal agency charged with
5 protecting the integrity of the Federal campaign fi-
6 nance process, found reason to believe and concil-
7 iated a matter where an experienced political con-
8 sultant knowingly and willfully violated Federal law
9 by soliciting a contribution from a foreign national
10 by offering to transmit a \$2,000,000 contribution to
11 a super PAC through his company and two
12 501(c)(4) organizations, to conceal the origin of the
13 funds. This scheme was only unveiled after appear-
14 ing in a The Telegraph UK article and video cap-
15 turing the solicitation. See Conciliation Agreement,
16 MURs 7165 & 7196 (Great America PAC, et al.),
17 date June 28, 2021; Factual and Legal Analysis,
18 MURs 7165 & 7196 (Jesse Benton), dated Mar. 2,
19 2021.

1 **TITLE I—CLOSING LOOPHOLES**
2 **ALLOWING SPENDING BY**
3 **FOREIGN NATIONALS IN**
4 **ELECTIONS**

5 **SEC. 101. CLARIFICATION OF APPLICATION OF FOREIGN**
6 **MONEY BAN TO CERTAIN DISBURSEMENTS**
7 **AND ACTIVITIES.**

8 Section 319(b) of the Federal Election Campaign Act
9 of 1971 (52 U.S.C. 30121(b)) is amended—

10 (1) by redesignating paragraphs (1) and (2) as
11 subparagraphs (A) and (B), respectively, and by
12 moving such subparagraphs 2 ems to the right;

13 (2) by striking “As used in this section, the
14 term” and inserting the following: “DEFINITIONS.—
15 For purposes of this section—

16 “(1) FOREIGN NATIONAL.—The term”;

17 (3) by moving paragraphs (1) and (2) two ems
18 to the right and redesignating them as subpara-
19 graphs (A) and (B), respectively; and

20 (4) by adding at the end the following new
21 paragraph:

22 “(2) CONTRIBUTION AND DONATION.—For pur-
23 poses of paragraphs (1) and (2) of subsection (a),
24 the term ‘contribution or donation’ includes any dis-
25 bursement to a political committee which accepts do-

1 nations or contributions that do not comply with any
2 of the limitations, prohibitions, and reporting re-
3 quirements of this Act (or any disbursement to or on
4 behalf of any account of a political committee which
5 is established for the purpose of accepting such do-
6 nations or contributions), or to any other person for
7 the purpose of funding an expenditure, independent
8 expenditure, or electioneering communication (as de-
9 fined in section 304(f)(3)).”.

10 **SEC. 102. STUDY AND REPORT ON ILLICIT FOREIGN MONEY**
11 **IN FEDERAL ELECTIONS.**

12 (a) **STUDY.**—For each 4-year election cycle (begin-
13 ning with the 4-year election cycle ending in 2020), the
14 Comptroller General shall conduct a study on the inci-
15 dence of illicit foreign money in all elections for Federal
16 office held during the preceding 4-year election cycle, in-
17 cluding what information is known about the presence of
18 such money in elections for Federal office.

19 (b) **REPORT.**—

20 (1) **IN GENERAL.**—Not later than the applicable
21 date with respect to any 4-year election cycle, the
22 Comptroller General shall submit to the appropriate
23 congressional committees a report on the study con-
24 ducted under subsection (a).

1 (2) MATTERS INCLUDED.—The report sub-
2 mitted under paragraph (1) shall include a descrip-
3 tion of the extent to which illicit foreign money was
4 used to target particular groups, including rural
5 communities, African-American and other minority
6 communities, and military and veteran communities,
7 based on such targeting information as is available
8 and accessible to the Comptroller General.

9 (3) APPLICABLE DATE.—For purposes of para-
10 graph (1), the term “applicable date” means—

11 (A) in the case of the 4-year election cycle
12 ending in 2020, the date that is 1 year after
13 the date of the enactment of this Act; and

14 (B) in the case of any other 4-year election
15 cycle, the date that is 1 year after the date on
16 which such 4-year election cycle ends.

17 (c) DEFINITIONS.—As used in this section:

18 (1) 4-YEAR ELECTION CYCLE.—The term “4-
19 year election cycle” means the 4-year period ending
20 on the date of the general election for the offices of
21 President and Vice President.

22 (2) ILLICIT FOREIGN MONEY.—The term “illicit
23 foreign money” means any contribution, donation,
24 expenditure, or disbursement by a foreign national
25 (as defined in section 319(b) of the Federal Election

1 Campaign Act of 1971 (52 U.S.C. 30121(b))) pro-
2 hibited under such section.

3 (3) ELECTION; FEDERAL OFFICE.—The terms
4 “election” and “Federal office” have the meanings
5 given such terms under section 301 of the Federal
6 Election Campaign Act of 1971 (53 U.S.C. 30101).

7 (4) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means—

10 (A) the Committee on House Administra-
11 tion of the House of Representatives;

12 (B) the Committee on Rules and Adminis-
13 tration of the Senate;

14 (C) the Committee on the Judiciary of the
15 House of Representatives; and

16 (D) the Committee on the Judiciary of the
17 Senate.

18 (d) SUNSET.—This section shall not apply to any 4-
19 year election cycle beginning after the election for the of-
20 fices of President and Vice President in 2032.

1 **SEC. 103. PROHIBITION ON CONTRIBUTIONS AND DONA-**
2 **TIONS BY FOREIGN NATIONALS IN CONNEX-**
3 **ION WITH BALLOT INITIATIVES AND**
4 **REFERENDA.**

5 (a) **IN GENERAL.**—Section 319(b) of the Federal
6 Election Campaign Act of 1971 (52 U.S.C. 30121(b)), as
7 amended by section 101, is amended by adding at the end
8 the following new paragraphs:

9 “(3) **FEDERAL, STATE, OR LOCAL ELECTION.**—
10 The term ‘Federal, State, or local election’ includes
11 a State or local ballot initiative or referendum, but
12 only in the case of—

13 “(A) a covered foreign national as defined
14 in paragraph (4); or

15 “(B) a foreign principal described in sec-
16 tion 1(b)(2) or 1(b)(3) of the Foreign Agent
17 Registration Act of 1938, as amended (22
18 U.S.C. 611(b)(2) or (b)(3)) or an agent of such
19 a foreign principal under such Act.

20 “(4) **COVERED FOREIGN NATIONAL.**—

21 “(A) **IN GENERAL.**—The term ‘covered for-
22 eign national’ means—

23 “(i) a foreign principal (as defined in
24 section 1(b) of the Foreign Agents Reg-
25 istration Act of 1938 (22 U.S.C. 611(b)))

1 that is a government of a foreign country
2 or a foreign political party;

3 “(ii) any person who acts as an agent,
4 representative, employee, or servant, or
5 any person who acts in any other capacity
6 at the order, request, or under the direc-
7 tion or control, of a foreign principal de-
8 scribed in clause (i) or of a person any of
9 whose activities are directly or indirectly
10 supervised, directed, controlled, financed,
11 or subsidized in whole or in major part by
12 a foreign principal described in clause (i);
13 or

14 “(iii) any person included in the list of
15 specially designated nationals and blocked
16 persons maintained by the Office of For-
17 eign Assets Control of the Department of
18 the Treasury pursuant to authorities relat-
19 ing to the imposition of sanctions relating
20 to the conduct of a foreign principal de-
21 scribed in clause (i).

22 “(B) CLARIFICATION REGARDING APPLICA-
23 TION TO CITIZENS OF THE UNITED STATES.—
24 In the case of a citizen of the United States,
25 clause (ii) of subparagraph (A) applies only to

1 the extent that the person involved acts within
2 the scope of that person's status as the agent
3 of a foreign principal described in clause (i) of
4 subparagraph (A).”.

5 (b) **EFFECTIVE DATE.**—The amendment made by
6 this section shall apply with respect to elections held in
7 2024 or any succeeding year.

8 **SEC. 104. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**
9 **FOREIGN MONEY BAN.**

10 (a) **DISBURSEMENTS DESCRIBED.**—Section
11 319(a)(1) of the Federal Election Campaign Act of 1971
12 (52 U.S.C. 30121(a)(1)) is amended—

13 (1) by striking “or” at the end of subparagraph
14 (B); and

15 (2) by striking subparagraph (C) and inserting
16 the following:

17 “(C) an expenditure;

18 “(D) an independent expenditure;

19 “(E) a disbursement for an electioneering
20 communication (within the meaning of section
21 304(f)(3));

22 “(F) a disbursement for a communication
23 which is placed or promoted for a fee on a
24 website, web application, or digital application
25 that refers to a clearly identified candidate for

1 election for Federal office and is disseminated
2 within 60 days before a general, special or run-
3 off election for the office sought by the can-
4 didate or 30 days before a primary or pref-
5 erence election, or a convention or caucus of a
6 political party that has authority to nominate a
7 candidate for the office sought by the can-
8 didate;

9 “(G) a disbursement by a covered foreign
10 national (as defined in subsection (b)(4)) for a
11 broadcast, cable or satellite communication, or
12 for a communication which is placed or pro-
13 moted for a fee on a website, web application,
14 or digital application, that promotes, supports,
15 attacks or opposes the election of a clearly iden-
16 tified candidate for Federal, State, or local of-
17 fice (regardless of whether the communication
18 contains express advocacy or the functional
19 equivalent of express advocacy);

20 “(H) a disbursement for a broadcast,
21 cable, or satellite communication, or for any
22 communication which is placed or promoted for
23 a fee on an online platform (as defined in sub-
24 section (b)(5)), that discusses a national legisla-
25 tive issue of public importance in a year in

1 which a regularly scheduled general election for
2 Federal office is held, but only if the disburse-
3 ment is made by a covered foreign national (as
4 defined in subsection (b)(4));

5 “(I) a disbursement by a covered foreign
6 national (as defined in subsection (b)(4)) to
7 compensate any person for internet activity that
8 promotes, supports, attacks or opposes the elec-
9 tion of a clearly identified candidate for Fed-
10 eral, State, or local office (regardless of whether
11 the activity contains express advocacy or the
12 functional equivalent of express advocacy); or

13 “(J) a disbursement by a covered foreign
14 national (as defined in subsection (b)(4)) for a
15 Federal judicial nomination communication (as
16 defined in section 324(g)(2));”.

17 (b) DEFINITION OF ONLINE PLATFORM.—Section
18 319(b) of such Act (52 U.S.C. 30121(b)), as amended by
19 sections 101 and 103, is amended by adding at the end
20 the following new paragraph:

21 “(5) ONLINE PLATFORM.—

22 “(A) IN GENERAL.—For purposes of this
23 section, subject to subparagraph (B), the term
24 ‘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 but is not limited to, any third-party adver-
2 tising vendor network, advertising agency, ad-
3 vertiser, or third-party advertisement serving
4 company that buys and sells advertisement
5 space on behalf of unaffiliated third-party
6 websites, search engines, digital applications, or
7 social media sites.”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this section shall apply with respect to disbursements
10 made on or after the date of the enactment of this Act.

11 **SEC. 105. PROHIBITING ESTABLISHMENT OF CORPORATION**
12 **TO CONCEAL ELECTION CONTRIBUTIONS**
13 **AND DONATIONS BY FOREIGN NATIONALS.**

14 (a) PROHIBITION.—Chapter 29 of title 18, United
15 States Code is amended by adding at the end the fol-
16 lowing:

17 **“§ 612. Establishment of corporation to conceal elec-**
18 **tion contributions and donations by for-**
19 **ign nationals**

20 “(a) OFFENSE.—It shall be unlawful for an owner,
21 officer, attorney, or incorporation agent of a corporation,
22 company, or other entity to establish or use the corpora-
23 tion, company, or other entity with the intent to conceal
24 an activity of a foreign national (as defined in section 319

1 of the Federal Election Campaign Act of 1971 (52 U.S.C.
2 30121)) prohibited under such section 319.

3 “(b) PENALTY.—Any person who violates subsection
4 (a) shall be imprisoned for not more than 5 years, fined
5 under this title, or both.”

6 (b) TABLE OF SECTIONS.—The table of sections for
7 chapter 29 of title 18, United States Code is amended by
8 adding at the end the following new item:

“612. Establishment of corporation to conceal election contributions and dona-
tions by foreign nationals.”

9 **TITLE II—REPORTING OF CAM-**
10 **PAIGN-RELATED DISBURSE-**
11 **MENTS**

12 **SEC. 201. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
13 **MENTS.**

14 (a) IN GENERAL.—Section 324 of the Federal Elec-
15 tion Campaign Act of 1971 (52 U.S.C. 30126) is amended
16 to read as follows:

17 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
18 **MENTS BY COVERED ORGANIZATIONS.**

19 “(a) DISCLOSURE STATEMENT.—

20 “(1) IN GENERAL.—Any covered organization
21 that makes campaign-related disbursements aggre-
22 gating more than \$10,000 in an election reporting
23 cycle shall, not later than 24 hours after each disclo-
24 sure date, file a statement with the Commission

1 made under penalty of perjury that contains the in-
2 formation described in paragraph (2)—

3 “(A) in the case of the first statement filed
4 under this subsection, for the period beginning
5 on the first day of the election reporting cycle
6 (or, if earlier, the period beginning one year be-
7 fore the first such disclosure date) and ending
8 on the first such disclosure date; and

9 “(B) in the case of any subsequent state-
10 ment filed under this subsection, for the period
11 beginning on the previous disclosure date and
12 ending on such disclosure date.

13 “(2) INFORMATION DESCRIBED.—The informa-
14 tion described in this paragraph is as follows:

15 “(A) The name of the covered organization
16 and the principal place of business of such or-
17 ganization and, in the case of a covered organi-
18 zation that is a corporation (other than a busi-
19 ness concern that is an issuer of a class of secu-
20 rities registered under section 12 of the Securi-
21 ties Exchange Act of 1934 (15 U.S.C. 78l) or
22 that is required to file reports under section
23 15(d) of that Act (15 U.S.C. 78o(d))) or an en-
24 tity described in subsection (e)(2), a list of the

1 beneficial owners (as defined in paragraph
2 (4)(A)) of the entity that—

3 “(i) identifies each beneficial owner by
4 name and current residential or business
5 street address; and

6 “(ii) if any beneficial owner exercises
7 control over the entity through another
8 legal entity, such as a corporation, partner-
9 ship, limited liability company, or trust,
10 identifies each such other legal entity and
11 each such beneficial owner who will use
12 that other entity to exercise control over
13 the entity.

14 “(B) The amount of each campaign-related
15 disbursement made by such organization during
16 the period covered by the statement of more
17 than \$1,000, and the name and address of the
18 person to whom the disbursement was made.

19 “(C) In the case of a campaign-related dis-
20 bursement that is not a covered transfer, the
21 election to which the campaign-related disburse-
22 ment pertains and if the disbursement is made
23 for a public communication, the name of any
24 candidate identified in such communication and

1 if such communication is in support of or in op-
2 position to the identified candidate.

3 “(D) A certification by the chief executive
4 officer or person who is the head of the covered
5 organization that the campaign-related dis-
6 bursement is not made in cooperation, consulta-
7 tion, or concert with or at the request or sug-
8 gession of a candidate, authorized committee, or
9 agent of a candidate, political party, or agent of
10 a political party.

11 “(E)(i) If the covered organization makes
12 campaign-related disbursements using exclu-
13 sively funds in a campaign-related disbursement
14 segregated fund, for each payment made to the
15 account by a person other than the covered or-
16 ganization—

17 “(I) the name and address of each
18 person who made such payment to the ac-
19 count during the period covered by the
20 statement;

21 “(II) the date and amount of such
22 payment; and

23 “(III) the aggregate amount of all
24 such payments made by the person during
25 the period beginning on the first day of the

1 election reporting cycle (or, if earlier, the
2 period beginning one year before the dis-
3 closure date) and ending on the disclosure
4 date,

5 but only if such payment was made by a person
6 who made payments to the account in an aggre-
7 gate amount of \$10,000 or more during the pe-
8 riod beginning on the first day of the election
9 reporting cycle (or, if earlier, the period begin-
10 ning one year before the disclosure date) and
11 ending on the disclosure date.

12 “(ii) In any calendar year after 2024, sec-
13 tion 315(c)(1)(B) shall apply to the amount de-
14 scribed in clause (i) in the same manner as
15 such section applies to the limitations estab-
16 lished under subsections (a)(1)(A), (a)(1)(B),
17 (a)(3), and (h) of such section, except that for
18 purposes of applying such section to the
19 amounts described in subsection (b), the ‘base
20 period’ shall be calendar year 2024.

21 “(F)(i) If the covered organization makes
22 campaign-related disbursements using funds
23 other than funds in a campaign-related dis-
24 bursement segregated fund, for each payment
25 to the covered organization—

1 “(I) the name and address of each
2 person who made such payment during the
3 period covered by the statement;

4 “(II) the date and amount of such
5 payment; and

6 “(III) the aggregate amount of all
7 such payments made by the person during
8 the period beginning on the first day of the
9 election reporting cycle (or, if earlier, the
10 period beginning one year before the dis-
11 closure date) and ending on the disclosure
12 date,

13 but only if such payment was made by a person
14 who made payments to the covered organization
15 in an aggregate amount of \$10,000 or more
16 during the period beginning on the first day of
17 the election reporting cycle (or, if earlier, the
18 period beginning one year before the disclosure
19 date) and ending on the disclosure date.

20 “(ii) In any calendar year after 2024, sec-
21 tion 315(c)(1)(B) shall apply to the amount de-
22 scribed in clause (i) in the same manner as
23 such section applies to the limitations estab-
24 lished under subsections (a)(1)(A), (a)(1)(B),
25 (a)(3), and (h) of such section, except that for

1 purposes of applying such section to the
2 amounts described in subsection (b), the 'base
3 period' shall be calendar year 2024.

4 "(G) Such other information as required in
5 rules established by the Commission to promote
6 the purposes of this section.

7 "(3) EXCEPTIONS.—

8 "(A) AMOUNTS RECEIVED IN ORDINARY
9 COURSE OF BUSINESS.—The requirement to in-
10 clude in a statement filed under paragraph (1)
11 the information described in paragraph (2)
12 shall not apply to amounts received by the cov-
13 ered organization in commercial transactions in
14 the ordinary course of any trade or business
15 conducted by the covered organization or in the
16 form of investments (other than investments by
17 the principal shareholder in a limited liability
18 corporation) in the covered organization. For
19 purposes of this subparagraph, amounts re-
20 ceived by a covered organization as remittances
21 from an employee to the employee's collective
22 bargaining representative shall be treated as
23 amounts received in commercial transactions in
24 the ordinary course of the business conducted
25 by the covered organization.

1 “(B) DONOR RESTRICTION ON USE OF
2 FUNDS.—The requirement to include in a state-
3 ment submitted under paragraph (1) the infor-
4 mation described in subparagraph (F) of para-
5 graph (2) shall not apply if—

6 “(i) the person described in such sub-
7 paragraph prohibited, in writing, the use of
8 the payment made by such person for cam-
9 paign-related disbursements; and

10 “(ii) the covered organization agreed
11 to follow the prohibition and deposited the
12 payment in an account which is segregated
13 from a campaign-related disbursement seg-
14 regated fund and any other account used
15 to make campaign-related disbursements.

16 “(C) THREAT OF HARASSMENT OR RE-
17 PRISAL.—The requirement to include any infor-
18 mation relating to the name or address of any
19 person (other than a candidate) in a statement
20 submitted under paragraph (1) shall not apply
21 if the inclusion of the information would subject
22 the person to serious threats, harassment, or
23 reprisals.

24 “(4) OTHER DEFINITIONS.—For purposes of
25 this section:

1 “(A) BENEFICIAL OWNER DEFINED.—

2 “(i) IN GENERAL.—Except as pro-
3 vided in clause (ii), the term ‘beneficial
4 owner’ means, with respect to any entity,
5 a natural person who, directly or indi-
6 rectly—

7 “(I) exercises substantial control
8 over an entity through ownership, vot-
9 ing rights, agreement, or otherwise; or

10 “(II) has a substantial interest in
11 or receives substantial economic bene-
12 fits from the assets of an entity.

13 “(ii) EXCEPTIONS.—The term ‘bene-
14 ficial owner’ shall not include—

15 “(I) a minor child;

16 “(II) a person acting as a nomi-
17 nee, intermediary, custodian, or agent
18 on behalf of another person;

19 “(III) a person acting solely as
20 an employee of an entity and whose
21 control over or economic benefits from
22 the entity derives solely from the em-
23 ployment status of the person;

24 “(IV) a person whose only inter-
25 est in an entity is through a right of

1 inheritance, unless the person also
2 meets the requirements of clause (i);
3 or

4 “(V) a creditor of an entity, un-
5 less the creditor also meets the re-
6 quirements of clause (i).

7 “(iii) ANTI-ABUSE RULE.—The excep-
8 tions under clause (ii) shall not apply if
9 used for the purpose of evading, circum-
10 venting, or abusing the provisions of clause
11 (i) or paragraph (2)(A).

12 “(B) CAMPAIGN-RELATED DISBURSEMENT
13 SEGREGATED FUND.—The term ‘campaign-re-
14 lated disbursement segregated fund’ means a
15 segregated bank account consisting of funds
16 that were paid directly to such account by per-
17 sons other than the covered organization that
18 controls the account.

19 “(C) DISCLOSURE DATE.—The term ‘dis-
20 closure date’ means—

21 “(i) the first date during any election
22 reporting cycle by which a person has
23 made campaign-related disbursements ag-
24 gregating more than \$10,000; and

1 “(ii) any other date during such elec-
2 tion reporting cycle by which a person has
3 made campaign-related disbursements ag-
4 gregating more than \$10,000 since the
5 most recent disclosure date for such elec-
6 tion reporting cycle.

7 “(D) ELECTION REPORTING CYCLE.—The
8 term ‘election reporting cycle’ means the 2-year
9 period beginning on the date of the most recent
10 general election for Federal office.

11 “(E) PAYMENT.—The term ‘payment’ in-
12 cludes any contribution, donation, transfer, pay-
13 ment of dues, or other payment.

14 “(b) COORDINATION WITH OTHER PROVISIONS.—

15 “(1) OTHER REPORTS FILED WITH THE COM-
16 MISSION.—Information included in a statement filed
17 under this section may be excluded from statements
18 and reports filed under section 304.

19 “(2) TREATMENT AS SEPARATE SEGREGATED
20 FUND.—A campaign-related disbursement seg-
21 regated fund may be treated as a separate seg-
22 regated fund for purposes of section 527(f)(3) of the
23 Internal Revenue Code of 1986.

24 “(c) FILING.—Statements required to be filed under
25 subsection (a) shall be subject to the requirements of sec-

1 tion 304(d) to the same extent and in the same manner
2 as if such reports had been required under subsection (c)
3 or (g) of section 304.

4 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
5 FINED.—

6 “(1) IN GENERAL.—In this section, the term
7 ‘campaign-related disbursement’ means a disburse-
8 ment by a covered organization for any of the fol-
9 lowing:

10 “(A) An independent expenditure which ex-
11 pressly advocates the election or defeat of a
12 clearly identified candidate for election for Fed-
13 eral office, or is the functional equivalent of ex-
14 press advocacy because, when taken as a whole,
15 it can be interpreted by a reasonable person
16 only as advocating the election or defeat of a
17 candidate for election for Federal office.

18 “(B) An applicable public communication.

19 “(C) An electioneering communication, as
20 defined in section 304(f)(3).

21 “(D) A covered transfer.

22 “(2) APPLICABLE PUBLIC COMMUNICATIONS.—

23 “(A) IN GENERAL.—The term ‘applicable
24 public communication’ means any public com-
25 munication that refers to a clearly identified

1 candidate for election for Federal office and
2 which promotes or supports the election of a
3 candidate for that office, or attacks or opposes
4 the election of a candidate for that office, with-
5 out regard to whether the communication ex-
6 pressly advocates a vote for or against a can-
7 didate for that office.

8 “(B) EXCEPTION.—Such term shall not in-
9 clude any news story, commentary, or editorial
10 distributed through the facilities of any broad-
11 casting station or any print, online, or digital
12 newspaper, magazine, publication, or periodical,
13 unless such facilities are owned or controlled by
14 any political party, political committee, or can-
15 didate.

16 “(e) COVERED ORGANIZATION DEFINED.—In this
17 section, the term ‘covered organization’ means any of the
18 following:

19 “(1) A corporation (other than an organization
20 described in section 501(c)(3) of the Internal Rev-
21 enue Code of 1986).

22 “(2) A limited liability corporation that is not
23 otherwise treated as a corporation for purposes of
24 this Act (other than an organization described in

1 section 501(c)(3) of the Internal Revenue Code of
2 1986).

3 “(3) An organization described in section
4 501(c) of such Code and exempt from taxation
5 under section 501(a) of such Code (other than an
6 organization described in section 501(c)(3) of such
7 Code).

8 “(4) A labor organization (as defined in section
9 316(b)).

10 “(5) Any political organization under section
11 527 of the Internal Revenue Code of 1986, other
12 than a political committee under this Act (except as
13 provided in paragraph (6)).

14 “(6) A political committee with an account that
15 accepts donations or contributions that do not com-
16 ply with the contribution limits or source prohibi-
17 tions under this Act, but only with respect to such
18 accounts.

19 “(f) COVERED TRANSFER DEFINED.—

20 “(1) IN GENERAL.—In this section, the term
21 ‘covered transfer’ means any transfer or payment of
22 funds by a covered organization to another person if
23 the covered organization—

24 “(A) designates, requests, or suggests that
25 the amounts be used for—

1 “(i) campaign-related disbursements
2 (other than covered transfers); or

3 “(ii) making a transfer to another
4 person for the purpose of making or pay-
5 ing for such campaign-related disburse-
6 ments;

7 “(B) made such transfer or payment in re-
8 sponse to a solicitation or other request for a
9 donation or payment for—

10 “(i) the making of or paying for cam-
11 paign-related disbursements (other than
12 covered transfers); or

13 “(ii) making a transfer to another
14 person for the purpose of making or pay-
15 ing for such campaign-related disburse-
16 ments;

17 “(C) engaged in discussions with the re-
18 cipient of the transfer or payment regarding—

19 “(i) the making of or paying for cam-
20 paign-related disbursements (other than
21 covered transfers); or

22 “(ii) donating or transferring any
23 amount of such transfer or payment to an-
24 other person for the purpose of making or

1 paying for such campaign-related disburse-
2 ments; or

3 “(D) knew or had reason to know that the
4 person receiving the transfer or payment would
5 make campaign-related disbursements in an ag-
6 gregate amount of \$50,000 or more during the
7 2-year period beginning on the date of the
8 transfer or payment.

9 “(2) EXCLUSIONS.—The term ‘covered transfer’
10 does not include any of the following:

11 “(A) A disbursement made by a covered
12 organization in a commercial transaction in the
13 ordinary course of any trade or business con-
14 ducted by the covered organization or in the
15 form of investments made by the covered orga-
16 nization.

17 “(B) A disbursement made by a covered
18 organization if—

19 “(i) the covered organization prohib-
20 ited, in writing, the use of such disburse-
21 ment for campaign-related disbursements;
22 and

23 “(ii) the recipient of the disbursement
24 agreed to follow the prohibition and depos-
25 ited the disbursement in an account which

1 is segregated from a campaign-related dis-
2 bursement segregated fund and any other
3 account used to make campaign-related
4 disbursements.

5 “(3) SPECIAL RULE REGARDING TRANSFERS
6 AMONG AFFILIATES.—

7 “(A) SPECIAL RULE.—A transfer of an
8 amount by one covered organization to another
9 covered organization which is treated as a
10 transfer between affiliates under subparagraph
11 (C) shall be considered a covered transfer by
12 the covered organization which transfers the
13 amount only if the aggregate amount trans-
14 ferred during the year by such covered organi-
15 zation to that same covered organization is
16 equal to or greater than \$50,000.

17 “(B) DETERMINATION OF AMOUNT OF
18 CERTAIN PAYMENTS AMONG AFFILIATES.—In
19 determining the amount of a transfer between
20 affiliates for purposes of subparagraph (A), to
21 the extent that the transfer consists of funds
22 attributable to dues, fees, or assessments which
23 are paid by individuals on a regular, periodic
24 basis in accordance with a per-individual cal-
25 culation which is made on a regular basis, the

1 transfer shall be attributed to the individuals
2 paying the dues, fees, or assessments and shall
3 not be attributed to the covered organization.

4 “(C) DESCRIPTION OF TRANSFERS BE-
5 TWEEN AFFILIATES.—A transfer of amounts
6 from one covered organization to another cov-
7 ered organization shall be treated as a transfer
8 between affiliates if—

9 “(i) one of the organizations is an af-
10 filiate of the other organization; or

11 “(ii) each of the organizations is an
12 affiliate of the same organization,

13 except that the transfer shall not be treated as
14 a transfer between affiliates if one of the orga-
15 nizations is established for the purpose of mak-
16 ing campaign-related disbursements.

17 “(D) DETERMINATION OF AFFILIATE STA-
18 TUS.—For purposes of subparagraph (C), a
19 covered organization is an affiliate of another
20 covered organization if—

21 “(i) the governing instrument of the
22 organization requires it to be bound by de-
23 cisions of the other organization;

24 “(ii) the governing board of the orga-
25 nization includes persons who are specifi-

1 cally designated representatives of the
2 other organization or are members of the
3 governing board, officers, or paid executive
4 staff members of the other organization, or
5 whose service on the governing board is
6 contingent upon the approval of the other
7 organization; or

8 “(iii) the organization is chartered by
9 the other organization.

10 “(E) COVERAGE OF TRANSFERS TO AF-
11 FILIATED SECTION 501(c)(3) ORGANIZA-
12 TIONS.—This paragraph shall apply with re-
13 spect to an amount transferred by a covered or-
14 ganization to an organization described in para-
15 graph (3) of section 501(c) of the Internal Rev-
16 enue Code of 1986 and exempt from tax under
17 section 501(a) of such Code in the same man-
18 ner as this paragraph applies to an amount
19 transferred by a covered organization to an-
20 other covered organization.

21 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
22 MENTS.—Except as provided in subsection (b)(1), nothing
23 in this section shall be construed to waive or otherwise
24 affect any other requirement of this Act which relates to
25 the reporting of campaign-related disbursements.”

1 (b) CONFORMING AMENDMENT.—Section 304(f)(6)
2 of such Act (52 U.S.C. 30104) is amended by striking
3 “Any requirement” and inserting “Except as provided in
4 section 324(b), any requirement”.

5 (c) REGULATIONS.—Not later than 6 months after
6 the date of the enactment of this Act, the Federal Election
7 Commission shall promulgate regulations relating the ap-
8 plication of the exemption under section 324(a)(3)(C) of
9 the Federal Election Campaign Act of 1971 (as added by
10 subsection (a)). Such regulations—

11 (1) shall require that the legal burden of estab-
12 lishing eligibility for such exemption is upon the or-
13 ganization required to make the report required
14 under section 324(a)(1) of such Act (as added by
15 subsection (a)), and

16 (2) shall be consistent with the principles ap-
17 plied in *Citizens United v. Federal Election Commis-*
18 *sion*, 558 U.S. 310 (2010).

19 **SEC. 202. REPORTING OF FEDERAL JUDICIAL NOMINATION**

20 **DISBURSEMENTS.**

21 (a) FINDINGS.—Congress makes the following find-
22 ings:

23 (1) A fair and impartial judiciary is critical for
24 our democracy and crucial to maintain the faith of
25 the people of the United States in the justice sys-

1 tem. As the Supreme Court held in *Caperton v.*
2 *Massey*, “there is a serious risk of actual bias—
3 based on objective and reasonable perceptions—
4 when a person with a personal stake in a particular
5 case had a significant and disproportionate influence
6 in placing the judge on the case.” (*Caperton v. A.*
7 *T. Massey Coal Co.*, 556 U.S. 868, 884 (2009)).

8 (2) Public trust in government is at a historic
9 low. According to polling, most Americans believe
10 that corporations have too much power and influence
11 in politics and the courts.

12 (3) The prevalence and pervasiveness of dark
13 money drives public concern about corruption in pol-
14 itics and the courts. Dark money is funding for or-
15 ganizations and political activities that cannot be
16 traced to actual donors. It is made possible by loop-
17 holes in our tax laws and regulations, weak oversight
18 by the Internal Revenue Service, and donor-friendly
19 court decisions.

20 (4) Under current law, “social welfare” organi-
21 zations and business leagues can use funds to influ-
22 ence elections so long as political activity is not their
23 “primary” activity. Super PACs can accept and
24 spend unlimited contributions from any non-foreign
25 source. These groups can spend tens of millions of

1 dollars on political activities. Such dark money
2 groups spent an estimated \$1,050,000,000 in the
3 2020 election cycle.

4 (5) Dark money is used to shape judicial deci-
5 sion-making. This can take many forms, akin to
6 agency capture: influencing judicial selection by con-
7 trolling who gets nominated and funding candidate
8 advertisements; creating public relations campaigns
9 aimed at mobilizing the judiciary around particular
10 issues; and drafting law review articles, amicus
11 briefs, and other products which tell judges how to
12 decide a given case and provide ready-made argu-
13 ments for willing judges to adopt.

14 (6) Over the past decade, nonprofit organiza-
15 tions that do not disclose their donors have spent
16 hundreds of millions of dollars to influence the nomi-
17 nation and confirmation process for Federal judges.
18 One organization alone has spent nearly
19 \$40,000,000 on advertisements supporting or oppos-
20 ing Supreme Court nominees since 2016.

21 (7) Anonymous money spent on judicial nomi-
22 nations is not subject to any disclosure require-
23 ments. Federal election laws only regulate contribu-
24 tions and expenditures relating to electoral politics;
25 thus, expenditures, contributions, and advocacy ef-

1 forts for Federal judgeships are not covered under
2 the Federal Election Campaign Act of 1971. With-
3 out more disclosure, the public has no way of know-
4 ing whether the people spending money supporting
5 or opposing judicial nominations have business be-
6 fore the courts.

7 (8) Congress and the American people have a
8 compelling interest in knowing who is funding these
9 campaigns to select and confirm judges to lifetime
10 appointments on the Federal bench.

11 (b) REPORTING.—Section 324 of the Federal Elec-
12 tion Campaign Act of 1971 (52 U.S.C. 30126), as amend-
13 ed by section 201, is amended by redesignating subsection
14 (g) as subsection (h) and by inserting after subsection (f)
15 the following new subsection:

16 “(g) APPLICATION TO FEDERAL JUDICIAL NOMINA-
17 TIONS.—

18 “(1) IN GENERAL.—For purposes of this sec-
19 tion—

20 “(A) a disbursement by a covered organi-
21 zation for a Federal judicial nomination com-
22 munication shall be treated as a campaign-re-
23 lated disbursement; and

1 “(B) in the case of campaign-related dis-
2 bursements which are for Federal judicial nomi-
3 nation communications—

4 “(i) the dollar amounts in paragraphs
5 (1) and (2) of subsection (a) shall be ap-
6 plied separately with respect to such dis-
7 bursements and other campaign-related
8 disbursements;

9 “(ii) the election reporting cycle shall
10 be the calendar year in which the disburse-
11 ment for the Federal judicial nomination
12 communication is made;

13 “(iii) references to a candidate in sub-
14 sections (a)(2)(C), (a)(2)(D), and
15 (a)(3)(C) shall be treated as references to
16 a nominee for a Federal judge or justice;
17 and

18 “(iv) the reference to an election in
19 subsection (a)(2)(C) shall be treated as a
20 reference to the nomination of such nomi-
21 nee.

22 “(2) FEDERAL JUDICIAL NOMINATION COMMU-
23 NICATION.—

1 “(A) IN GENERAL.—The term ‘Federal ju-
2 dicial nomination communication’ means any
3 communication—

4 “(i) that is by means of any broad-
5 cast, cable, or satellite, paid internet, or
6 paid digital communication, paid pro-
7 motion, newspaper, magazine, outdoor ad-
8 vertising facility, mass mailing, telephone
9 bank, telephone messaging effort of more
10 than 500 substantially similar calls or elec-
11 tronic messages within a 30-day period, or
12 any other form of general public political
13 advertising; and

14 “(ii) which promotes, supports, at-
15 tacks, or opposes the nomination or Senate
16 confirmation of an individual as a Federal
17 judge or justice.

18 “(B) EXCEPTION.—Such term shall not in-
19 clude any news story, commentary, or editorial
20 distributed through the facilities of any broad-
21 casting station or any print, online, or digital
22 newspaper, magazine, publication, or periodical,
23 unless such facilities are owned or controlled by
24 any political party, political committee, or can-
25 didate.

1 “(C) INTENT NOT REQUIRED.—A disburse-
2 ment for an item described in subparagraph (A)
3 shall be treated as a disbursement for a Federal
4 judicial nomination communication regardless
5 of the intent of the person making the disburse-
6 ment.”.

7 **SEC. 203. COORDINATION WITH FINCEN.**

8 (a) IN GENERAL.—The Director of the Financial
9 Crimes Enforcement Network of the Department of the
10 Treasury shall provide the Federal Election Commission
11 with such information as necessary to assist in admin-
12 istering and enforcing section 324 of the Federal Election
13 Campaign Act of 1971, as amended by this title.

14 (b) REPORT.—Not later than 6 months after the date
15 of the enactment of this Act, the Chairman of the Federal
16 Election Commission, in consultation with the Director of
17 the Financial Crimes Enforcement Network of the De-
18 partment of the Treasury, shall submit to Congress a re-
19 port with recommendations for providing further legisla-
20 tive authority to assist in the administration and enforce-
21 ment of such section 324.

1 **SEC. 204. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
2 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
3 **BURSEMENTS CONSISTING OF COVERED**
4 **TRANSFERS.**

5 Section 319(b)(2) of the Federal Election Campaign
6 Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by
7 section 101, is amended—

8 (1) by striking “includes any disbursement”
9 and inserting “includes—

10 “(A) any disbursement”;

11 (2) by striking the period at the end and insert-
12 ing “; and”, and

13 (3) by adding at the end the following new sub-
14 paragraph:

15 “(B) any disbursement, other than a dis-
16 bursement described in section 324(a)(3)(A), to
17 another person who made a campaign-related
18 disbursement consisting of a covered transfer
19 (as described in section 324) during the 2-year
20 period ending on the date of the disburse-
21 ment.”.

22 **SEC. 205. SENSE OF CONGRESS REGARDING IMPLEMENTA-**
23 **TION.**

24 It is the sense of Congress that the Federal Election
25 Commission should simplify the process for filing any dis-
26 closure required under the provisions of, and amendments

1 made by, this title in order to ensure that such process
2 is as easy and accessible as possible.

3 **SEC. 206. EFFECTIVE DATE.**

4 The amendments made by this title shall apply with
5 respect to disbursements made on or after January 1,
6 2024, and shall take effect without regard to whether or
7 not the Federal Election Commission has promulgated
8 regulations to carry out such amendments.

9 **TITLE III—OTHER**
10 **ADMINISTRATIVE REFORMS**

11 **SEC. 301. PETITION FOR CERTIORARI.**

12 Section 307(a)(6) of the Federal Election Campaign
13 Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by in-
14 serting “(including a proceeding before the Supreme
15 Court on certiorari)” after “appeal”.

16 **SEC. 302. JUDICIAL REVIEW OF ACTIONS RELATED TO CAM-**
17 **PAIGN FINANCE LAWS.**

18 (a) **IN GENERAL.**—Title IV of the Federal Election
19 Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is
20 amended by inserting after section 406 the following new
21 section:

22 **“SEC. 407. JUDICIAL REVIEW.**

23 “(a) **IN GENERAL.**—If any action is brought for de-
24 claratory or injunctive relief to challenge, whether facially
25 or as-applied, the constitutionality or lawfulness of any

1 provision of this Act, including title V, or of chapter 95
2 or 96 of the Internal Revenue Code of 1986, or is brought
3 to with respect to any action of the Commission under
4 chapter 95 or 96 of the Internal Revenue Code of 1986,
5 the following rules shall apply:

6 “(1) The action shall be filed in the United
7 States District Court for the District of Columbia
8 and an appeal from the decision of the district court
9 may be taken to the Court of Appeals for the Dis-
10 trict of Columbia Circuit.

11 “(2) In the case of an action relating to declar-
12 atory or injunctive relief to challenge the constitu-
13 tionality of a provision, the party filing the action
14 shall concurrently deliver a copy of the complaint to
15 the Clerk of the House of Representatives and the
16 Secretary of the Senate.

17 “(3) It shall be the duty of the United States
18 District Court for the District of Columbia and the
19 Court of Appeals for the District of Columbia Cir-
20 cuit to advance on the docket and to expedite to the
21 greatest possible extent the disposition of the action
22 and appeal.

23 “(b) CLARIFYING SCOPE OF JURISDICTION.—If an
24 action at the time of its commencement is not subject to
25 subsection (a), but an amendment, counterclaim, cross-

1 claim, affirmative defense, or any other pleading or motion
2 is filed challenging, whether facially or as-applied, the con-
3 stitutionality or lawfulness of this Act or of chapter 95
4 or 96 of the Internal Revenue Code of 1986, or is brought
5 to with respect to any action of the Commission under
6 chapter 95 or 96 of the Internal Revenue Code of 1986,
7 the district court shall transfer the action to the District
8 Court for the District of Columbia, and the action shall
9 thereafter be conducted pursuant to subsection (a).

10 “(c) INTERVENTION BY MEMBERS OF CONGRESS.—

11 In any action described in subsection (a) relating to de-
12 claratory or injunctive relief to challenge the constitu-
13 tionality of a provision, any Member of the House of Rep-
14 resentatives (including a Delegate or Resident Commis-
15 sioner to the Congress) or Senate shall have the right to
16 intervene either in support of or opposition to the position
17 of a party to the case regarding the constitutionality of
18 the provision. To avoid duplication of efforts and reduce
19 the burdens placed on the parties to the action, the court
20 in any such action may make such orders as it considers
21 necessary, including orders to require interveners taking
22 similar positions to file joint papers or to be represented
23 by a single attorney at oral argument.

24 “(d) CHALLENGE BY MEMBERS OF CONGRESS.—Any

25 Member of Congress may bring an action, subject to the

1 special rules described in subsection (a), for declaratory
2 or injunctive relief to challenge, whether facially or as-ap-
3 plied, the constitutionality of any provision of this Act or
4 chapter 95 or 96 of the Internal Revenue Code of 1986.”.

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 9011 of the Internal Revenue Code
7 of 1986 is amended to read as follows:

8 **“SEC. 9011. JUDICIAL REVIEW.**

9 “For provisions relating to judicial review of certifi-
10 cations, determinations, and actions by the Commission
11 under this chapter, see section 407 of the Federal Election
12 Campaign Act of 1971.”.

13 (2) Section 9041 of the Internal Revenue Code
14 of 1986 is amended to read as follows:

15 **“SEC. 9041. JUDICIAL REVIEW.**

16 “For provisions relating to judicial review of actions
17 by the Commission under this chapter, see section 407 of
18 the Federal Election Campaign Act of 1971.”.

19 (3) Section 310 of the Federal Election Cam-
20 paign Act of 1971 (52 U.S.C. 30110) is repealed.

21 (4) Section 403 of the Bipartisan Campaign
22 Reform Act of 2002 (52 U.S.C. 30110 note) is re-
23 pealed.

1 **SEC. 303. EFFECTIVE DATE.**

2 The amendments made by this title shall take effect
3 and apply on the date of the enactment of this Act, with-
4 out regard to whether or not the Federal Election Com-
5 mission has promulgated regulations to carry out this title
6 and the amendments made by this title.

7 **TITLE IV—STAND BY EVERY AD**

8 **SEC. 401. SHORT TITLE.**

9 This title may be cited as the “Stand By Every Ad
10 Act”.

11 **SEC. 402. STAND BY EVERY AD.**

12 (a) **EXPANDED DISCLAIMER REQUIREMENTS FOR**
13 **CERTAIN COMMUNICATIONS.**—Section 318 of the Federal
14 Election Campaign Act of 1971 (52 U.S.C. 30120) is
15 amended by adding at the end the following new sub-
16 section:

17 “(e) **EXPANDED DISCLAIMER REQUIREMENTS FOR**
18 **COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR**
19 **COMMITTEES.**—

20 “(1) **IN GENERAL.**—Except as provided in para-
21 graph (6), any communication described in para-
22 graph (3) of subsection (a) which is transmitted in
23 an audio or video format (including an internet or
24 digital communication), or which is an internet or
25 digital communication transmitted in a text or
26 graphic format, shall include, in addition to the re-

1 requirements of paragraph (3) of subsection (a), the
2 following:

3 “(A) The individual disclosure statement
4 described in paragraph (2)(A) (if the person
5 paying for the communication is an individual)
6 or the organizational disclosure statement de-
7 scribed in paragraph (2)(B) (if the person pay-
8 ing for the communication is not an individual).

9 “(B) If the communication is transmitted
10 in a video format, or is an internet or digital
11 communication which is transmitted in a text or
12 graphic format, and is paid for in whole or in
13 part with a payment which is treated as a cam-
14 paign-related disbursement under section 324—

15 “(i) the Top Five Funders list (if ap-
16 plicable); or

17 “(ii) in the case of a communication
18 which, as determined on the basis of cri-
19 teria established in regulations issued by
20 the Commission, is of such short duration
21 that including the Top Five Funders list in
22 the communication would constitute a
23 hardship to the person paying for the com-
24 munication by requiring a disproportionate
25 amount of the content of the communica-

1 tion to consist of the Top Five Funders
2 list, the name of a website which contains
3 the Top Five Funders list (if applicable)
4 or, in the case of an internet or digital
5 communication, a hyperlink to such
6 website.

7 “(C) If the communication is transmitted
8 in an audio format and is paid for in whole or
9 in part with a payment which is treated as a
10 campaign-related disbursement under section
11 324—

12 “(i) the Top Two Funders list (if ap-
13 plicable); or

14 “(ii) in the case of a communication
15 which, as determined on the basis of cri-
16 teria established in regulations issued by
17 the Commission, is of such short duration
18 that including the Top Two Funders list in
19 the communication would constitute a
20 hardship to the person paying for the com-
21 munication by requiring a disproportionate
22 amount of the content of the communica-
23 tion to consist of the Top Two Funders
24 list, the name of a website which contains
25 the Top Two Funders list (if applicable).

1 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

2 “(A) INDIVIDUAL DISCLOSURE STATE-
3 MENTS.—The individual disclosure statement
4 described in this subparagraph is the following:
5 ‘I am _____, and I approve this
6 message.’, with the blank filled in with the
7 name of the applicable individual.

8 “(B) ORGANIZATIONAL DISCLOSURE
9 STATEMENTS.—The organizational disclosure
10 statement described in this subparagraph is the
11 following: ‘I am _____, the
12 _____ of _____, and
13 _____ approves this message.’,
14 with—

15 “(i) the first blank to be filled in with
16 the name of the applicable individual;

17 “(ii) the second blank to be filled in
18 with the title of the applicable individual;
19 and

20 “(iii) the third and fourth blank each
21 to be filled in with the name of the organi-
22 zation or other person paying for the com-
23 munication.

24 “(3) METHOD OF CONVEYANCE OF STATE-
25 MENT.—

1 “(A) COMMUNICATIONS IN TEXT OR
2 GRAPHIC FORMAT.—In the case of a commu-
3 nication to which this subsection applies which
4 is transmitted in a text or graphic format, the
5 disclosure statements required under paragraph
6 (1) shall appear in letters at least as large as
7 the majority of the text in the communication.

8 “(B) COMMUNICATIONS TRANSMITTED IN
9 AUDIO FORMAT.—In the case of a communica-
10 tion to which this subsection applies which is
11 transmitted in an audio format, the disclosure
12 statements required under paragraph (1) shall
13 be made by audio by the applicable individual
14 in a clear and conspicuous manner.

15 “(C) COMMUNICATIONS TRANSMITTED IN
16 VIDEO FORMAT.—In the case of a communica-
17 tion to which this subsection applies which is
18 transmitted in a video format, the information
19 required under paragraph (1) shall appear in
20 writing at the end of the communication or in
21 a crawl along the bottom of the communication
22 in a clear and conspicuous manner, with a rea-
23 sonable degree of color contrast between the
24 background and the printed statement, for a
25 period of at least 6 seconds.

1 “(4) APPLICABLE INDIVIDUAL DEFINED.—The
2 term ‘applicable individual’ means, with respect to a
3 communication to which this subsection applies—

4 “(A) if the communication is paid for by
5 an individual, the individual involved;

6 “(B) if the communication is paid for by a
7 corporation, the chief executive officer of the
8 corporation (or, if the corporation does not have
9 a chief executive officer, the highest ranking of-
10 ficial of the corporation);

11 “(C) if the communication is paid for by a
12 labor organization, the highest ranking officer
13 of the labor organization; and

14 “(D) if the communication is paid for by
15 any other person, the highest ranking official of
16 such person.

17 “(5) TOP FIVE FUNDERS LIST AND TOP TWO
18 FUNDERS LIST DEFINED.—

19 “(A) TOP FIVE FUNDERS LIST.—The term
20 ‘Top Five Funders list’ means, with respect to
21 a communication which is paid for in whole or
22 in part with a campaign-related disbursement
23 (as defined in section 324), a list of the 5 per-
24 sons who, during the 12-month period ending
25 on the date of the disbursement, provided the

1 largest payments of any type in an aggregate
2 amount equal to or exceeding \$10,000 to the
3 person who is paying for the communication
4 and the amount of the payments each such per-
5 son provided. If 2 or more people provided the
6 fifth largest of such payments, the person pay-
7 ing for the communication shall select 1 of
8 those persons to be included on the Top Five
9 Funders list.

10 “(B) TOP TWO FUNDERS LIST.—The term
11 ‘Top Two Funders list’ means, with respect to
12 a communication which is paid for in whole or
13 in part with a campaign-related disbursement
14 (as defined in section 324), a list of the persons
15 who, during the 12-month period ending on the
16 date of the disbursement, provided the largest
17 and the second largest payments of any type in
18 an aggregate amount equal to or exceeding
19 \$10,000 to the person who is paying for the
20 communication and the amount of the pay-
21 ments each such person provided. If 2 or more
22 persons provided the second largest of such
23 payments, the person paying for the commu-
24 nication shall select 1 of those persons to be in-
25 cluded on the Top Two Funders list.

1 “(C) EXCLUSION OF CERTAIN PAY-
2 MENTS.—For purposes of subparagraphs (A)
3 and (B), in determining the amount of pay-
4 ments made by a person to a person paying for
5 a communication, there shall be excluded the
6 following:

7 “(i) Any amounts provided in the or-
8 dinary course of any trade or business con-
9 ducted by the person paying for the com-
10 munication or in the form of investments
11 in the person paying for the communica-
12 tion.

13 “(ii) Any payment which the person
14 prohibited, in writing, from being used for
15 campaign-related disbursements, but only
16 if the person paying for the communication
17 agreed to follow the prohibition and depos-
18 ited the payment in an account which is
19 segregated from a campaign-related dis-
20 bursement segregated fund (as defined in
21 section 324) and any other account used to
22 make campaign-related disbursements.

23 “(6) SPECIAL RULES FOR CERTAIN COMMU-
24 NICATIONS.—

1 “(A) EXCEPTION FOR COMMUNICATIONS
2 PAID FOR BY POLITICAL PARTIES AND CERTAIN
3 POLITICAL COMMITTEES.—This subsection does
4 not apply to any communication to which sub-
5 section (d)(2) applies.

6 “(B) TREATMENT OF VIDEO COMMUNICA-
7 TIONS LASTING 10 SECONDS OR LESS.—In the
8 case of a communication to which this sub-
9 section applies which is transmitted in a video
10 format, or is an internet or digital communica-
11 tion which is transmitted in a text or graphic
12 format, the communication shall meet the fol-
13 lowing requirements:

14 “(i) The communication shall include
15 the individual disclosure statement de-
16 scribed in paragraph (2)(A) (if the person
17 paying for the communication is an indi-
18 vidual) or the organizational disclosure
19 statement described in paragraph (2)(B)
20 (if the person paying for the communica-
21 tion is not an individual).

22 “(ii) The statement described in
23 clause (i) shall appear in writing at the
24 end of the communication, or in a crawl
25 along the bottom of the communication, in

1 a clear and conspicuous manner, with a
2 reasonable degree of color contrast between
3 the background and the printed statement,
4 for a period of at least 4 seconds.

5 “(iii) The communication shall in-
6 clude, in a clear and conspicuous manner,
7 a website address with a landing page
8 which will provide all of the information
9 described in paragraph (1) with respect to
10 the communication. Such address shall ap-
11 pear for the full duration of the commu-
12 nication.

13 “(iv) To the extent that the format in
14 which the communication is made permits
15 the use of a hyperlink, the communication
16 shall include a hyperlink to the website ad-
17 dress described in clause (iii).”

18 (b) APPLICATION OF EXPANDED REQUIREMENTS TO
19 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-
20 RELATED DISBURSEMENTS.—

21 (1) IN GENERAL.—Section 318(a) of such Act
22 (52 U.S.C. 30120(a)) is amended by striking “for
23 the purpose of financing communications expressly
24 advocating the election or defeat of a clearly identi-
25 fied candidate” and inserting “for a campaign-re-

1 lated disbursement, as defined in section 324, con-
2 sisting of a public communication”.

3 (2) CLARIFICATION OF EXEMPTION FROM IN-
4 CLUSION OF CANDIDATE DISCLAIMER STATEMENT IN
5 FEDERAL JUDICIAL NOMINATION COMMUNICA-
6 TIONS.—Section 318(a)(3) of such Act (52 U.S.C.
7 30120(a)(3)) is amended by striking “shall clearly
8 state” and inserting “shall (except in the case of a
9 Federal judicial nomination communication, as de-
10 fined in section 324(d)(3)) clearly state”.

11 (c) EXCEPTION FOR COMMUNICATIONS PAID FOR BY
12 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-
13 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
14 30120(d)(2)) is amended—

15 (1) in the heading, by striking “**OTHERS**” and
16 inserting “**CERTAIN POLITICAL COMMITTEES**”;

17 (2) by striking “Any communication” and in-
18 serting “(A) Any communication”;

19 (3) by inserting “which (except to the extent
20 provided in subparagraph (B)) is paid for by a polit-
21 ical committee (including a political committee of a
22 political party) and” after “subsection (a)”;

23 (4) by striking “or other person” each place it
24 appears; and

1 (5) by adding at the end the following new sub-
2 paragraph:

3 “(B)(i) This paragraph does not apply to
4 a communication paid for in whole or in part
5 during a calendar year with a campaign-related
6 disbursement, but only if the covered organiza-
7 tion making the campaign-related disbursement
8 made campaign-related disbursements (as de-
9 fined in section 324) aggregating more than
10 \$10,000 during such calendar year.

11 “(ii) For purposes of clause (i), in deter-
12 mining the amount of campaign-related dis-
13 bursements made by a covered organization
14 during a year, there shall be excluded the fol-
15 lowing:

16 “(I) Any amounts received by the cov-
17 ered organization in the ordinary course of
18 any trade or business conducted by the
19 covered organization or in the form of in-
20 vestments in the covered organization.

21 “(II) Any amounts received by the
22 covered organization from a person who
23 prohibited, in writing, the organization
24 from using such amounts for campaign-re-
25 lated disbursements, but only if the cov-

1 ered organization agreed to follow the pro-
2 hibition and deposited the amounts in an
3 account which is segregated from a cam-
4 paign-related disbursement segregated
5 fund (as defined in section 324) and any
6 other account used to make campaign-re-
7 lated disbursements.”.

8 (d) MODIFICATION OF ADDITIONAL REQUIREMENTS
9 FOR CERTAIN COMMUNICATIONS.—Section 318(d) of the
10 Federal Election Campaign Act of 1971 (52 U.S.C.
11 30120(d)) is amended—

12 (1) in paragraph (1)(A)—

13 (A) by striking “which is transmitted
14 through radio” and inserting “which is in an
15 audio format”; and

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

18 (2) in paragraph (1)(B)—

19 (A) by striking “which is transmitted
20 through television” and inserting “which is in
21 video format”; and

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

24 (3) in paragraph (2)—

1 (A) by striking “transmitted through radio
2 or television” and inserting “made in audio or
3 video format”; and

4 (B) by striking “through television” in the
5 second sentence and inserting “in video for-
6 mat”.

7 **SEC. 403. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**
8 **TIONS MADE THROUGH PRERECORDED TELE-**
9 **PHONE CALLS.**

10 (a) APPLICATION OF REQUIREMENTS.—

11 (1) IN GENERAL.—Section 318(a) of the Fed-
12 eral Election Campaign Act of 1971 (52 U.S.C.
13 30120(a)) is amended by striking “mailing” each
14 place it appears and inserting “mailing, telephone
15 call consisting in substantial part of a prerecorded
16 audio message”.

17 (2) APPLICATION TO COMMUNICATIONS SUB-
18 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—
19 Section 318(e)(1) of such Act (52 U.S.C.
20 30120(e)(1)), as added by section 302(a), is amend-
21 ed in the matter preceding subparagraph (A) by
22 striking “which is transmitted in an audio or video
23 format” and inserting “which is transmitted in an
24 audio or video format or which consists of a tele-

1 phone call consisting in substantial part of a
2 prerecorded audio message”.

3 (b) TREATMENT AS COMMUNICATION TRANSMITTED
4 IN AUDIO FORMAT.—

5 (1) COMMUNICATIONS BY CANDIDATES OR AU-
6 THORIZED PERSONS.—Section 318(d) of such Act
7 (52 U.S.C. 30120(d)) is amended by adding at the
8 end the following new paragraph:

9 “(3) PRERECORDED TELEPHONE CALLS.—Any
10 communication described in paragraph (1), (2), or
11 (3) of subsection (a) (other than a communication
12 which is subject to subsection (e)) which is a tele-
13 phone call consisting in substantial part of a
14 prerecorded audio message shall include, in addition
15 to the requirements of such paragraph, the audio
16 statement required under subparagraph (A) of para-
17 graph (1) or the audio statement required under
18 paragraph (2) (whichever is applicable), except that
19 the statement shall be made at the beginning of the
20 telephone call.”.

21 (2) COMMUNICATIONS SUBJECT TO EXPANDED
22 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of
23 such Act (52 U.S.C. 30120(e)(3)), as added by sec-
24 tion 302(a), is amended by adding at the end the
25 following new subparagraph:

1 “(D) PRERECORDED TELEPHONE
2 CALLS.—In the case of a communication to
3 which this subsection applies which is a tele-
4 phone call consisting in substantial part of a
5 prerecorded audio message, the communication
6 shall be considered to be transmitted in an
7 audio format.”.

8 **SEC. 404. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
9 **CLAIMER REQUIREMENTS ON INTERNET**
10 **COMMUNICATIONS.**

11 Nothing in this title or the amendments made by this
12 title may be construed to require any person who is not
13 required under section 318 of the Federal Election Cam-
14 paign Act of 1971 to include a disclaimer on communica-
15 tions made by the person through the internet to include
16 any disclaimer on any such communications.

17 **SEC. 405. EFFECTIVE DATE.**

18 The amendments made by this title shall apply with
19 respect to communications made on or after January 1,
20 2024, and shall take effect without regard to whether or
21 not the Federal Election Commission has promulgated
22 regulations to carry out such amendments.

1 **TITLE V—SEVERABILITY**

2 **SEC. 501. SEVERABILITY.**

3 If any provision of this Act or amendment made by
4 this Act, or the application of a provision or amendment
5 to any person or circumstance, is held to be unconstitu-
6 tional, the remainder of this Act and amendments made
7 by this Act, and the application of the provisions and
8 amendment to any person or circumstance, shall not be
9 affected by the holding.

