

117TH CONGRESS
1ST SESSION

H. R. 1171

To amend the Federal Election Campaign Act of 1971 to require the sponsors of certain general public political advertisements to include in the advertisements information on the persons who provided the funding for such advertisements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 18, 2021

Mr. PRICE of North Carolina introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the Federal Election Campaign Act of 1971 to require the sponsors of certain general public political advertisements to include in the advertisements information on the persons who provided the funding for such advertisements, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stand By Every Ad
5 Act”.

1 **SEC. 2. APPLICATION OF DISCLAIMER STATEMENTS TO ON-**
2 **LINE COMMUNICATIONS.**

3 (a) APPLICATION TO ONLINE PUBLIC COMMUNICA-
4 TIONS.—

5 (1) IN GENERAL.—Subsection (a) of section
6 318 of the Federal Election Campaign Act of 1971
7 (52 U.S.C. 30120) is amended—

8 (A) by striking “financing any communica-
9 tion through any broadcasting station, news-
10 paper, magazine, outdoor advertising facility,
11 mailing, or any other type of general public po-
12 litical advertising” and inserting “financing any
13 public communication”; and

14 (B) by striking “solicits any contribution
15 through any broadcasting station, newspaper,
16 magazine, outdoor advertising facility, mailing,
17 or any other type of general public political ad-
18 vertising” and inserting “solicits any contribu-
19 tion through any public communication”.

20 (2) CONFORMING AMENDMENT RELATING TO
21 DEFINITION OF PUBLIC COMMUNICATION.—Para-
22 graph (22) of section 301 of such Act (52 U.S.C.
23 30101(22)) is amended by striking “or satellite com-
24 munication” and inserting “satellite, paid internet,
25 or paid digital communication”.

1 (b) CLEAR AND CONSPICUOUS MANNER REQUIRE-
2 MENT.—Subsection (a) of section 318 of such Act (52
3 U.S.C. 30120(a)) is amended—

4 (1) by striking “shall clearly state” each place
5 it appears in paragraphs (1), (2), and (3) and in-
6 serting “shall state in a clear and conspicuous man-
7 ner”; and

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

13 (c) SPECIAL RULES FOR QUALIFIED INTERNET OR
14 DIGITAL COMMUNICATIONS.—

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

18 “(e) SPECIAL RULES FOR QUALIFIED INTERNET OR
19 DIGITAL COMMUNICATIONS.—

20 “(1) SPECIAL RULES WITH RESPECT TO STATE-
21 MENTS.—In the case of any qualified internet or
22 digital communication which is disseminated through
23 a medium in which the provision of all of the infor-
24 mation specified in this section is not possible, the

1 communication shall, in a clear and conspicuous
2 manner—

3 “(A) state the name of the person who
4 paid for the communication; and

5 “(B) provide a means for the recipient of
6 the communication to obtain the remainder of
7 the information required under this section with
8 minimal effort and without receiving or viewing
9 any additional material other than such re-
10 quired information.

11 “(2) SAFE HARBOR FOR DETERMINING CLEAR
12 AND CONSPICUOUS MANNER.—A statement in a
13 qualified internet or digital communication shall be
14 considered to be made in a clear and conspicuous
15 manner as provided in subsection (a) if the commu-
16 nication meets the following requirements:

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

20 “(i) appears in letters at least as large
21 as the majority of the text in the commu-
22 nication; and

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

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

6 “(C) VIDEO COMMUNICATIONS.—In the
7 case of a video communication which also in-
8 cludes audio, the statement—

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

11 “(ii) is made both in—

12 “(I) a written format that meets
13 the requirements of subparagraph (A)
14 and appears for at least 4 seconds;
15 and

16 “(II) an audible format that
17 meets the requirements of subpara-
18 graph (B).

19 “(D) OTHER COMMUNICATIONS.—In the
20 case of any other type of communication, the
21 statement is at least as clear and conspicuous
22 as the statement specified in subparagraph (A),
23 (B), or (C).

24 “(3) QUALIFIED INTERNET OR DIGITAL COM-
25 MUNICATION DEFINED.—

1 “(A) IN GENERAL.—In this section, the
2 term ‘qualified internet or digital communica-
3 tion’ means any communication to which this
4 section applies which is placed or promoted for
5 a fee on an online platform.

6 “(B) ONLINE PLATFORM.—For purposes
7 of this paragraph, the term ‘online platform’
8 means any public-facing website, web applica-
9 tion, or digital application (including a social
10 network, ad network, or search engine) which—

11 “(i) sells qualified political advertise-
12 ments; and

13 “(ii) has 50,000,000 or more unique
14 monthly United States visitors or users for
15 a majority of months during the preceding
16 12 months.

17 “(C) QUALIFIED POLITICAL ADVERTISE-
18 MENT.—For purposes of this paragraph, the
19 term ‘qualified political advertisement’ means
20 any advertisement (including search engine
21 marketing, display advertisements, video adver-
22 tisements, native advertisements, and sponsor-
23 ships) that—

24 “(i) is made by or on behalf of a can-
25 didate; or

1 “(ii) communicates a message relating
2 to any political matter of national impor-
3 tance, including—

4 “(I) a candidate;

5 “(II) any election to Federal of-
6 fice; or

7 “(III) a national legislative issue
8 of public importance.”.

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 318(e)(3) of
15 the Federal Election Campaign Act of 1971, as
16 added by paragraph (1)).

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

20 (1) in paragraph (1)(A)—

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

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

1 (2) in paragraph (1)(B)—

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

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

7 (3) in paragraph (2)—

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

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

14 **SEC. 3. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**
15 **TIONS CONSISTING OF CAMPAIGN-RELATED**
16 **DISBURSEMENTS.**

17 (a) **DISCLAIMER REQUIREMENTS FOR CAMPAIGN-RE-**
18 **LATED DISBURSEMENTS.—**

19 (1) **IN GENERAL.**—Section 318(a) of the Fed-
20 eral Election Campaign Act of 1971 (52 U.S.C.
21 30120(a)) is amended by striking “for the purpose
22 of financing communications expressly advocating
23 the election or defeat of a clearly identified can-
24 didate” and inserting “for a campaign-related dis-

1 bursement, as defined in subsection (f), consisting of
2 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 state”
8 and inserting “shall (except in the case of a Federal
9 judicial nomination communication, as defined in
10 subsection (f)(4)) state”.

11 (b) CAMPAIGN-RELATED DISBURSEMENTS DE-
12 FINED.—Section 318 of such Act (52 U.S.C. 30120), as
13 amended by section 2(c)(1), is further amended by adding
14 at the end the following new subsection:

15 “(f) CAMPAIGN-RELATED DISBURSEMENT DE-
16 FINED.—

17 “(1) DEFINITION.—

18 “(A) IN GENERAL.—In this section, the
19 term ‘campaign-related disbursement’ means a
20 disbursement by a covered organization for any
21 of the following:

22 “(i) An independent expenditure
23 which expressly advocates the election or
24 defeat of a clearly identified candidate for
25 election for Federal office, or is the func-

1 tional equivalent of express advocacy be-
2 cause, when taken as a whole, it can be in-
3 terpreted by a reasonable person only as
4 advocating the election or defeat of a can-
5 didate for election for Federal office.

6 “(ii) Any public communication which
7 refers to a clearly identified candidate for
8 election for Federal office and which pro-
9 motes or supports the election of a can-
10 didate for that office, or attacks or opposes
11 the election of a candidate for that office,
12 without regard to whether the communica-
13 tion expressly advocates a vote for or
14 against a candidate for that office.

15 “(iii) An electioneering communica-
16 tion, as defined in section 304(f)(3).

17 “(iv) A Federal judicial nomination
18 communication.

19 “(v) A covered transfer.

20 “(B) INTENT NOT REQUIRED.—A dis-
21 bursement for an item described in clause (i),
22 (ii), (iii), (iv), or (v) of subparagraph (A) shall
23 be treated as a campaign-related disbursement
24 regardless of the intent of the person making
25 the disbursement.

1 “(2) COVERED ORGANIZATION DEFINED.—In
2 this subsection, the term ‘covered organization’
3 means any of the following:

4 “(A) A corporation (other than an organi-
5 zation described in section 501(c)(3) of the In-
6 ternal Revenue Code of 1986).

7 “(B) A limited liability corporation that is
8 not otherwise treated as a corporation for pur-
9 poses of this Act (other than an organization
10 described in section 501(c)(3) of the Internal
11 Revenue Code of 1986).

12 “(C) An organization described in section
13 501(c) of such Code and exempt from taxation
14 under section 501(a) of such Code (other than
15 an organization described in section 501(c)(3)
16 of such Code).

17 “(D) A labor organization (as defined in
18 section 316(b)).

19 “(E) Any political organization under sec-
20 tion 527 of the Internal Revenue Code of 1986,
21 other than a political committee under this Act
22 (except as provided in paragraph (6)).

23 “(F) A political committee with an account
24 that accepts donations or contributions that do
25 not comply with the contribution limits or

1 source prohibitions under this Act, but only
2 with respect to such accounts.

3 “(3) COVERED TRANSFER DEFINED.—

4 “(A) IN GENERAL.—In this subsection, the
5 term ‘covered transfer’ means any transfer or
6 payment of funds by a covered organization to
7 another person if the covered organization—

8 “(i) designates, requests, or suggests
9 that the amounts be used for—

10 “(I) campaign-related disburse-
11 ments (other than covered transfers);
12 or

13 “(II) making a transfer to an-
14 other person for the purpose of mak-
15 ing or paying for such campaign-re-
16 lated disbursements;

17 “(ii) made such transfer or payment
18 in response to a solicitation or other re-
19 quest for a donation or payment for—

20 “(I) the making of or paying for
21 campaign-related disbursements
22 (other than covered transfers); or

23 “(II) making a transfer to an-
24 other person for the purpose of mak-

1 ing or paying for such campaign-re-
2 lated disbursements;

3 “(iii) engaged in discussions with the
4 recipient of the transfer or payment re-
5 garding—

6 “(I) the making of or paying for
7 campaign-related disbursements
8 (other than covered transfers); or

9 “(II) donating or transferring
10 any amount of such transfer or pay-
11 ment to another person for the pur-
12 pose of making or paying for such
13 campaign-related disbursements;

14 “(iv) made campaign-related disburse-
15 ments (other than a covered transfer) in
16 an aggregate amount of \$50,000 or more
17 during the 2-year period ending on the
18 date of the transfer or payment, or knew
19 or had reason to know that the person re-
20 ceiving the transfer or payment made such
21 disbursements in such an aggregate
22 amount during that 2-year period; or

23 “(v) knew or had reason to know that
24 the person receiving the transfer or pay-
25 ment would make campaign-related dis-

1 bursements in an aggregate amount of
2 \$50,000 or more during the 2-year period
3 beginning on the date of the transfer or
4 payment.

5 “(B) EXCLUSIONS.—The term ‘covered
6 transfer’ does not include any of the following:

7 “(i) A disbursement made by a cov-
8 ered organization in a commercial trans-
9 action in the ordinary course of any trade
10 or business conducted by the covered orga-
11 nization or in the form of investments
12 made by the covered organization.

13 “(ii) A disbursement made by a cov-
14 ered organization if—

15 “(I) the covered organization
16 prohibited, in writing, the use of such
17 disbursement for campaign-related
18 disbursements; and

19 “(II) the recipient of the dis-
20 bursement agreed to follow the prohi-
21 bition and deposited the disbursement
22 in an account which is segregated
23 from any account used to make cam-
24 paign-related disbursements.

1 “(C) SPECIAL RULE REGARDING TRANS-
2 FERS AMONG AFFILIATES.—

3 “(i) SPECIAL RULE.—A transfer of an
4 amount by one covered organization to an-
5 other covered organization which is treated
6 as a transfer between affiliates under sub-
7 paragraph (C) shall be considered a cov-
8 ered transfer by the covered organization
9 which transfers the amount only if the ag-
10 gregate amount transferred during the
11 year by such covered organization to that
12 same covered organization is equal to or
13 greater than \$50,000.

14 “(ii) DETERMINATION OF AMOUNT OF
15 CERTAIN PAYMENTS AMONG AFFILIATES.—

16 In determining the amount of a transfer
17 between affiliates for purposes of subpara-
18 graph (A), to the extent that the transfer
19 consists of funds attributable to dues, fees,
20 or assessments which are paid by individ-
21 uals on a regular, periodic basis in accord-
22 ance with a per-individual calculation
23 which is made on a regular basis, the
24 transfer shall be attributed to the individ-
25 uals paying the dues, fees, or assessments

1 and shall not be attributed to the covered
2 organization.

3 “(iii) DESCRIPTION OF TRANSFERS
4 BETWEEN AFFILIATES.—A transfer of
5 amounts from one covered organization to
6 another covered organization shall be
7 treated as a transfer between affiliates if—

8 “(I) one of the organizations is
9 an affiliate of the other organization;
10 or

11 “(II) each of the organizations is
12 an affiliate of the same organization,
13 except that the transfer shall not be treat-
14 ed as a transfer between affiliates if one of
15 the organizations is established for the
16 purpose of making campaign-related dis-
17 bursements.

18 “(iv) DETERMINATION OF AFFILIATE
19 STATUS.—For purposes of subparagraph
20 (C), a covered organization is an affiliate
21 of another covered organization if—

22 “(I) the governing instrument of
23 the organization requires it to be
24 bound by decisions of the other orga-
25 nization;

1 “(II) the governing board of the
2 organization includes persons who are
3 specifically designated representatives
4 of the other organization or are mem-
5 bers of the governing board, officers,
6 or paid executive staff members of the
7 other organization, or whose service
8 on the governing board is contingent
9 upon the approval of the other organi-
10 zation; or

11 “(III) the organization is char-
12 tered by the other organization.

13 “(v) COVERAGE OF TRANSFERS TO
14 AFFILIATED SECTION 501(c)(3) ORGANIZA-
15 TIONS.—This paragraph shall apply with
16 respect to an amount transferred by a cov-
17 ered organization to an organization de-
18 scribed in paragraph (3) of section 501(c)
19 of the Internal Revenue Code of 1986 and
20 exempt from tax under section 501(a) of
21 such Code in the same manner as this
22 paragraph applies to an amount trans-
23 ferred by a covered organization to another
24 covered organization.

1 “(4) FEDERAL JUDICIAL NOMINATION COMMU-
2 NICATION.—

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

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

16 “(ii) that is susceptible to no reason-
17 able interpretation other than promoting,
18 supporting, attacking, or opposing the
19 nomination or Senate confirmation of an
20 individual as a Federal judge or justice.

21 “(B) EXCEPTION.—Such term shall not in-
22 clude any news story, commentary, or editorial
23 distributed through the facilities of any broad-
24 casting station or any print, online, or digital
25 newspaper, magazine, publication, or periodical,

1 unless such facilities are owned or controlled by
2 any political party, political committee, or can-
3 didate.”.

4 **SEC. 4. STAND BY EVERY AD.**

5 (a) EXPANDED DISCLAIMER REQUIREMENTS FOR
6 CERTAIN COMMUNICATIONS.—Section 318 of the Federal
7 Election Campaign Act of 1971 (52 U.S.C. 30120), as
8 amended by section 2(c)(1) and section 3(b), is further
9 amended by adding at the end the following new sub-
10 section:

11 “(g) EXPANDED DISCLAIMER REQUIREMENTS FOR
12 COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR
13 COMMITTEES.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (6), any communication described in para-
16 graph (3) of subsection (a) which is transmitted in
17 an audio or video format (including an Internet or
18 digital communication), or which is an Internet or
19 digital communication transmitted in a text or
20 graphic format, shall include, in addition to the re-
21 quirements of paragraph (3) of subsection (a), the
22 following:

23 “(A) The individual disclosure statement
24 described in paragraph (2)(A) (if the person
25 paying for the communication is an individual)

1 or the organizational disclosure statement de-
2 scribed in paragraph (2)(B) (if the person pay-
3 ing for the communication is not an individual).

4 “(B) If the communication is transmitted
5 in a video format, or is an Internet or digital
6 communication which is transmitted in a text or
7 graphic format, and is paid for in whole or in
8 part with a payment which is treated as a cam-
9 paign-related disbursement under subsection
10 (f)—

11 “(i) the Top Five Funders list (if ap-
12 plicable); or

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

1 communication, a hyperlink to such
2 website.

3 “(C) If the communication is transmitted
4 in an audio format and is paid for in whole or
5 in part with a payment which is treated as a
6 campaign-related disbursement under sub-
7 section (f)—

8 “(i) the Top Two Funders list (if ap-
9 plicable); or

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

22 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

23 “(A) INDIVIDUAL DISCLOSURE STATE-
24 MENTS.—The individual disclosure statement
25 described in this subparagraph is the following:

1 ‘I am _____, and I approve this
2 message.’, with the blank filled in with the
3 name of the applicable individual.

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

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

13 “(ii) the second blank to be filled in
14 with the title of the applicable individual;
15 and

16 “(iii) the third and fourth blank each
17 to be filled in with the name of the organi-
18 zation or other person paying for the com-
19 munication.

20 “(3) METHOD OF CONVEYANCE OF STATE-
21 MENT.—

22 “(A) COMMUNICATIONS IN TEXT OR
23 GRAPHIC FORMAT.—In the case of a commu-
24 nication to which this subsection applies which
25 is transmitted in a text or graphic format, the

1 disclosure statements required under paragraph
2 (1) shall appear in letters at least as large as
3 the majority of the text in the communication.

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

11 “(C) COMMUNICATIONS TRANSMITTED IN
12 VIDEO FORMAT.—In the case of a communica-
13 tion to which this subsection applies which is
14 transmitted in a video format, the information
15 required under paragraph (1)—

16 “(i) shall appear in writing at the end
17 of the communication or in a crawl along
18 the bottom of the communication in a clear
19 and conspicuous manner, with a reasonable
20 degree of color contrast between the back-
21 ground and the printed statement, for a
22 period of at least 6 seconds; and

23 “(ii) shall also be conveyed by an
24 unobscured, full-screen view of the applica-
25 ble individual or by the applicable indi-

1 vidual making the statement in voice-over
2 accompanied by a clearly identifiable pho-
3 tograph or similar image of the individual,
4 except in the case of a Top Five Funders
5 list.

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

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

11 “(B) if the communication is paid for by a
12 corporation, the chief executive officer of the
13 corporation (or, if the corporation does not have
14 a chief executive officer, the highest ranking of-
15 ficial of the corporation);

16 “(C) if the communication is paid for by a
17 labor organization, the highest ranking officer
18 of the labor organization; and

19 “(D) if the communication is paid for by
20 any other person, the highest ranking official of
21 such person.

22 “(5) TOP FIVE FUNDERS LIST AND TOP TWO
23 FUNDERS LIST DEFINED.—

24 “(A) TOP FIVE FUNDERS LIST.—The term
25 ‘Top Five Funders list’ means, with respect to

1 a communication which is paid for in whole or
2 in part with a campaign-related disbursement
3 (as defined in subsection (f)), a list of the five
4 persons who, during the 12-month period end-
5 ing on the date of the disbursement, provided
6 the largest payments of any type in an aggre-
7 gate amount equal to or exceeding \$10,000 to
8 the person who is paying for the communication
9 and the amount of the payments each such per-
10 son provided. If two or more people provided
11 the fifth largest of such payments, the person
12 paying for the communication shall select one of
13 those persons to be included on the Top Five
14 Funders list.

15 “(B) TOP TWO FUNDERS LIST.—The term
16 ‘Top Two Funders list’ means, with respect to
17 a communication which is paid for in whole or
18 in part with a campaign-related disbursement
19 (as defined in subsection (f)), a list of the per-
20 sons who, during the 12-month period ending
21 on the date of the disbursement, provided the
22 largest and the second largest payments of any
23 type in an aggregate amount equal to or ex-
24 ceeding \$10,000 to the person who is paying for
25 the communication and the amount of the pay-

1 ments each such person provided. If two or
2 more persons provided the second largest of
3 such payments, the person paying for the com-
4 munication shall select one of those persons to
5 be included on the Top Two Funders list.

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

12 “(i) Any amounts provided in the or-
13 dinary course of any trade or business con-
14 ducted by the person paying for the com-
15 munication or in the form of investments
16 in the person paying for the communica-
17 tion.

18 “(ii) Any payment which the person
19 prohibited, in writing, from being used for
20 campaign-related disbursements, but only
21 if the person paying for the communication
22 agreed to follow the prohibition and depos-
23 ited the payment in an account which is
24 segregated from any account used to make
25 campaign-related disbursements.

1 “(6) SPECIAL RULES FOR CERTAIN COMMU-
2 NICATIONS.—

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

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

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

24 “(ii) The statement described in
25 clause (i) shall appear in writing at the

1 end of the communication, or in a crawl
 2 along the bottom of the communication, in
 3 a clear and conspicuous manner, with a
 4 reasonable degree of color contrast between
 5 the background and the printed statement,
 6 for a period of at least 4 seconds.

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

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

20 (b) EXCEPTION FOR COMMUNICATIONS PAID FOR BY
 21 POLITICAL PARTIES AND CERTAIN POLITICAL COMMIT-
 22 TEES.—Section 318(d)(2) of such Act (52 U.S.C.
 23 30120(d)(2)) is amended—

24 (1) in the heading, by striking “OTHERS” and
 25 inserting “CERTAIN POLITICAL COMMITTEES”;

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

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

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

9 (5) by adding at the end the following new sub-
10 paragraph:

11 “(B)(i) This paragraph does not apply to a
12 communication paid for in whole or in part during
13 a calendar year with a campaign-related disburse-
14 ment, but only if the covered organization making
15 the campaign-related disbursement made campaign-
16 related disbursements (as defined in subsection (f))
17 aggregating more than \$10,000 during such cal-
18 endar year.

19 “(ii) For purposes of clause (i), in determining
20 the amount of campaign-related disbursements made
21 by a covered organization during a year, there shall
22 be excluded the following:

23 “(I) Any amounts received by the covered
24 organization in the ordinary course of any trade
25 or business conducted by the covered organiza-

tion or in the form of investments in the covered organization.

“(II) Any amounts received by the covered organization from a person who prohibited, in writing, the organization from using such amounts for campaign-related disbursements, but only if the covered organization agreed to follow the prohibition and deposited the amounts in an account which is segregated from any account used to make campaign-related disbursements.”.

SEC. 5. DISCLAIMER REQUIREMENTS FOR COMMUNICATIONS MADE THROUGH PRERECORDED TELEPHONE CALLS.

(a) APPLICATION OF REQUIREMENTS.—

(1) IN GENERAL.—Section 318(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120(a)), as amended by section 2(a)(1), is further amended by striking “public communication” each place it appears and inserting the following: “public communication (including a telephone call consisting in substantial part of a prerecorded audio message)”

(2) APPLICATION TO COMMUNICATIONS SUBJECT TO EXPANDED DISCLAIMER REQUIREMENTS.—

Section 318(g)(1) of such Act (52 U.S.C.

1 30120(e)(1)), as added by section 4(a), is amended
2 in the matter preceding subparagraph (A) by strik-
3 ing “which is transmitted in an audio or video for-
4 mat” and inserting “which is transmitted in an
5 audio or video format or which consists of a tele-
6 phone call consisting in substantial part of a
7 prerecorded audio message”.

8 (b) TREATMENT AS COMMUNICATION TRANSMITTED
9 IN AUDIO FORMAT.—

10 (1) COMMUNICATIONS BY CANDIDATES OR AU-
11 THORIZED PERSONS.—Section 318(d) of such Act
12 (52 U.S.C. 30120(d)) is amended by adding at the
13 end the following new paragraph:

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

1 (2) COMMUNICATIONS SUBJECT TO EXPANDED
 2 DISCLAIMER REQUIREMENTS.—Section 318(g)(3) of
 3 such Act (52 U.S.C. 30120(e)(3)), as added by sec-
 4 tion 4(a), is amended by adding at the end the fol-
 5 lowing new subparagraph:

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

13 **SEC. 6. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
 14 **CLAIMER REQUIREMENTS ON INTERNET**
 15 **COMMUNICATIONS.**

16 Nothing in this Act or the amendments made by this
 17 Act may be construed to require any person who is not
 18 required under section 318 of the Federal Election Cam-
 19 paign Act of 1971 (as provided under section 110.11 of
 20 title 11 of the Code of Federal Regulations) to include
 21 a disclaimer on communications made by the person
 22 through the internet to include any disclaimer on any such
 23 communications.

1 **SEC. 7. EFFECTIVE DATE.**

2 The amendments made by this Act shall apply with
3 respect to communications made on or after January 1,
4 2022, and shall take effect without regard to whether or
5 not the Federal Election Commission has promulgated
6 regulations to carry out such amendments.

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