

116TH CONGRESS
1ST SESSION

H. R. 2977

To amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2019

Mr. CICILLINE (for himself, Mr. AGUILAR, Mr. ALLRED, Mrs. AXNE, Ms. BARRAGÁN, Ms. BASS, Mrs. BEATTY, Mr. BERA, Mr. BEYER, Mr. BLUMENAUER, Ms. BLUNT ROCHESTER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. BRINDISI, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mrs. BUSTOS, Mr. CARBAJAL, Mr. CÁRDENAS, Mr. CASE, Mr. CASTEN of Illinois, Ms. CASTOR of Florida, Ms. JUDY CHU of California, Mr. CISNEROS, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLEAVER, Mr. COHEN, Mr. COOPER, Mr. COURTNEY, Mr. COX of California, Mrs. CRAIG, Mr. CRIST, Mr. CROW, Mr. CUNNINGHAM, Ms. DAVIDS of Kansas, Mrs. DAVIS of California, Ms. DEAN, Mr. DEFazio, Ms. DEGETTE, Ms. DELAURO, Ms. DELBENE, Mr. DELGADO, Mrs. DEMINGS, Mr. DESAULNIER, Mr. DEUTCH, Mrs. DINGELL, Mr. DOGGETT, Mr. ENGEL, Ms. ESCOBAR, Ms. ESHOO, Mr. ESPAILLAT, Ms. FINKENAUER, Ms. FRANKEL, Ms. GABBARD, Mr. GALLEGO, Mr. GARAMENDI, Mr. GARCÍA of Illinois, Mr. GOLDEN, Mr. GOMEZ, Mr. GREEN of Texas, Mr. GRIJALVA, Ms. HAALAND, Mr. HARDER of California, Mr. HASTINGS, Mrs. HAYES, Mr. HECK, Mr. HIGGINS of New York, Ms. HILL of California, Mr. HIMES, Ms. KENDRA S. HORN of Oklahoma, Mr. HORSFORD, Ms. HOULAHAN, Mr. HUFFMAN, Ms. JACKSON LEE, Ms. JAYAPAL, Ms. JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. KELLY of Illinois, Mr. KHANNA, Mr. KILDEE, Mr. KILMER, Mr. KIM, Mr. KIND, Mrs. KIRKPATRICK, Mr. KRISHNAMOORTHY, Ms. KUSTER of New Hampshire, Mr. LAMB, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Ms. LEE of California, Mrs. LEE of Nevada, Mr. LEVIN of Michigan, Mr. LEVIN of California, Mr. LIPINSKI, Mr. LOEBSACK, Mr. LOWENTHAL, Mrs. LOWEY, Mr. LUJÁN, Mrs. LURIA, Mr. LYNCH, Mr. MALINOWSKI, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Mr. MCADAMS, Mrs. MCBATH, Ms. MCCOLLUM, Mr. McEACHIN, Mr. MCGOVERN, Mr. MEEKS, Mr. MORELLE, Mr. MOULTON, Ms. MUCARSEL-POWELL, Mrs. MURPHY, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEGUSE, Mr. NORCROSS, Ms. NORTON, Mr.

O'HALLERAN, Ms. OMAR, Mr. PALLONE, Mr. PANETTA, Mr. PAPPAS, Mr. PASCRELL, Mr. PETERS, Mr. PHILLIPS, Mr. POCAN, Ms. PORTER, Ms. PRESSLEY, Mr. PRICE of North Carolina, Mr. QUIGLEY, Miss RICE of New York, Mr. ROSE of New York, Mr. ROUDA, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RYAN, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SCANLON, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHRADER, Ms. SCHRIER, Mr. SCHNEIDER, Mr. SCOTT of Virginia, Mr. DAVID SCOTT of Georgia, Mr. SERRANO, Ms. SHERRILL, Mr. SIRES, Mr. SMITH of Washington, Ms. SPANBERGER, Ms. SPEIER, Mr. STANTON, Ms. STEVENS, Mr. SUOZZI, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of California, Ms. TLAIB, Ms. TORRES SMALL of New Mexico, Mrs. TRAHAN, Mr. VAN DREW, Mr. VARGAS, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILD, and Mr. YARMUTH) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Democracy Is Strengthened by Casting Light On Spend-
 6 ing in Elections Act of 2019” or the “DISCLOSE Act
 7 of 2019”.

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

Sec. 1. Short title; table of contents.

TITLE I—DISCLOSE ACT

Subtitle A—Regulation of Certain Political Spending

- Sec. 101. Clarification of prohibition on participation by foreign nationals in election-related activities.
- Sec. 102. Clarification of application of foreign money ban to certain disbursements and activities.
- Sec. 103. Audit and report on illicit foreign money in Federal elections.
- Sec. 104. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.
- Sec. 105. Disbursements and activities subject to foreign money ban.

Subtitle B—Reporting of Campaign-Related Disbursements

- Sec. 111. Reporting of campaign-related disbursements.
- Sec. 112. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.
- Sec. 113. Effective date.

TITLE II—STAND BY EVERY AD ACT

- Sec. 201. Short title.
- Sec. 202. Stand By Every Ad.
- Sec. 203. Disclaimer requirements for communications made through prerecorded telephone calls.
- Sec. 204. No expansion of persons subject to disclaimer requirements on Internet communications.
- Sec. 205. Effective date.

TITLE III—OTHER PROVISIONS

- Sec. 301. Severability.

- 1 **TITLE I—DISCLOSE ACT**
- 2 **Subtitle A—Regulation of Certain**
- 3 **Political Spending**
- 4 **SEC. 101. CLARIFICATION OF PROHIBITION ON PARTICIPA-**
- 5 **TION BY FOREIGN NATIONALS IN ELECTION-**
- 6 **RELATED ACTIVITIES.**
- 7 (a) CLARIFICATION OF PROHIBITION.—Section
- 8 319(a) of the Federal Election Campaign Act of 1971 (52
- 9 U.S.C. 30121(a)) is amended—
- 10 (1) by striking “or” at the end of paragraph
- 11 (1);

1 (2) by striking the period at the end of para-
2 graph (2) and inserting “; or”; and

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

5 “(3) a foreign national to direct, dictate, con-
6 trol, or directly or indirectly participate in the deci-
7 sion making process of any person (including a cor-
8 poration, labor organization, political committee, or
9 political organization) with regard to such person’s
10 Federal or non-Federal election-related activity, in-
11 cluding any decision concerning the making of con-
12 tributions, donations, expenditures, or disbursements
13 in connection with an election for any Federal,
14 State, or local office or any decision concerning the
15 administration of a political committee.”.

16 (b) CERTIFICATION OF COMPLIANCE.—Section 319
17 of such Act (52 U.S.C. 30121) is amended by adding at
18 the end the following new subsection:

19 “(c) CERTIFICATION OF COMPLIANCE REQUIRED
20 PRIOR TO CARRYING OUT ACTIVITY.—Prior to the mak-
21 ing in connection with an election for Federal office of any
22 contribution, donation, expenditure, independent expendi-
23 ture, or disbursement for an electioneering communication
24 by a corporation, limited liability corporation, or partner-
25 ship during a year, the chief executive officer of the cor-

1 poration, limited liability corporation, or partnership (or,
2 if the corporation, limited liability corporation, or partner-
3 ship does not have a chief executive officer, the highest
4 ranking official of the corporation, limited liability cor-
5 poration, or partnership), shall file a certification with the
6 Commission, under penalty of perjury, that a foreign na-
7 tional did not direct, dictate, control, or directly or indi-
8 rectly participate in the decision making process relating
9 to such activity in violation of subsection (a)(3), unless
10 the chief executive officer has previously filed such a cer-
11 tification during that calendar year.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect upon the expiration of the
14 180-day period which begins on the date of the enactment
15 of this Act, and shall take effect without regard to whether
16 or not the Federal Election Commission has promulgated
17 regulations to carry out such amendments.

18 **SEC. 102. CLARIFICATION OF APPLICATION OF FOREIGN**
19 **MONEY BAN TO CERTAIN DISBURSEMENTS**
20 **AND ACTIVITIES.**

21 (a) APPLICATION TO DISBURSEMENTS TO SUPER
22 PACs.—Section 319(a)(1)(A) of the Federal Election
23 Campaign Act of 1971 (52 U.S.C. 30121(a)(1)(A)) is
24 amended by striking the semicolon and inserting the fol-
25 lowing: “, including any disbursement to a political com-

1 mittee which accepts donations or contributions that do
2 not comply with the limitations, prohibitions, and report-
3 ing requirements of this Act (or any disbursement to or
4 on behalf of any account of a political committee which
5 is established for the purpose of accepting such donations
6 or contributions);”.

7 (b) CONDITIONS UNDER WHICH CORPORATE PACS
8 MAY MAKE CONTRIBUTIONS AND EXPENDITURES.—Sec-
9 tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended
10 by adding at the end the following new paragraph:

11 “(8) A separate segregated fund established by a cor-
12 poration may not make a contribution or expenditure dur-
13 ing a year unless the fund has certified to the Commission
14 the following during the year:

15 “(A) Each individual who manages the fund,
16 and who is responsible for exercising decisionmaking
17 authority for the fund, is a citizen of the United
18 States or is lawfully admitted for permanent resi-
19 dence in the United States.

20 “(B) No foreign national under section 319
21 participates in any way in the decisionmaking proc-
22 esses of the fund with regard to contributions or ex-
23 penditures under this Act.

24 “(C) The fund does not solicit or accept rec-
25 ommendations from any foreign national under sec-

1 tion 319 with respect to the contributions or expend-
2 itures made by the fund.

3 “(D) Any member of the board of directors of
4 the corporation who is a foreign national under sec-
5 tion 319 abstains from voting on matters concerning
6 the fund or its activities.”.

7 **SEC. 103. AUDIT AND REPORT ON ILLICIT FOREIGN MONEY**
8 **IN FEDERAL ELECTIONS.**

9 (a) IN GENERAL.—Title III of the Federal Election
10 Campaign Act of 1971 (52 U.S.C. 30101 et seq.) is
11 amended by inserting after section 319 the following new
12 section:

13 **“SEC. 319A. AUDIT AND REPORT ON DISBURSEMENTS BY**
14 **FOREIGN NATIONALS.**

15 “(a) AUDIT.—

16 “(1) IN GENERAL.—The Commission shall con-
17 duct an audit after each Federal election cycle to de-
18 termine the incidence of illicit foreign money in such
19 Federal election cycle.

20 “(2) PROCEDURES.—In carrying out paragraph
21 (1), the Commission shall conduct random audits of
22 any disbursements required to be reported under
23 this Act, in accordance with procedures established
24 by the Commission.

1 “(b) REPORT.—Not later than 180 days after the end
2 of each Federal election cycle, the Commission shall sub-
3 mit to Congress a report containing—

4 “(1) results of the audit required by subsection
5 (a)(1); and

6 “(2) recommendations to address the presence
7 of illicit foreign money in elections, as appropriate.

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

9 “(1) The term ‘Federal election cycle’ means
10 the period which begins on the day after the date of
11 a regularly scheduled general election for Federal of-
12 fice and which ends on the date of the first regularly
13 scheduled general election for Federal office held
14 after such date.

15 “(2) The term ‘illicit foreign money’ means any
16 disbursement by a foreign national (as defined in
17 section 319(b)) prohibited under such section.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall apply with respect to the Federal elec-
20 tion cycle that began during November 2018, and each
21 succeeding Federal election cycle.

1 **SEC. 104. PROHIBITION ON CONTRIBUTIONS AND DONA-**
2 **TIONS BY FOREIGN NATIONALS IN CONNEC-**
3 **TIONS WITH BALLOT INITIATIVES AND**
4 **REFERENDA.**

5 (a) IN GENERAL.—Section 319(a)(1)(A) of the Fed-
6 eral Election Campaign Act of 1971 (52 U.S.C.
7 30121(a)(1)(A)) is amended by striking “election;” and
8 inserting the following: “election, including a State or local
9 ballot initiative or referendum;”.

10 (b) EFFECTIVE DATE.—The amendment made by
11 this section shall apply with respect to elections held in
12 2020 or any succeeding year.

13 **SEC. 105. DISBURSEMENTS AND ACTIVITIES SUBJECT TO**
14 **FOREIGN MONEY BAN.**

15 (a) DISBURSEMENTS DESCRIBED.—Section
16 319(a)(1) of the Federal Election Campaign Act of 1971
17 (52 U.S.C. 30121(a)(1)) is amended—

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

20 (2) by striking subparagraph (C) and inserting
21 the following:

22 “(C) an expenditure;

23 “(D) an independent expenditure;

24 “(E) a disbursement for an electioneering
25 communication (within the meaning of section
26 304(f)(3));

1 “(F) a disbursement for a paid internet or
2 paid digital communication that refers to a
3 clearly identified candidate for election for Fed-
4 eral office and is disseminated within 60 days
5 before a general, special or runoff election for
6 the office sought by the candidate or 30 days
7 before a primary or preference election, or a
8 convention or caucus of a political party that
9 has authority to nominate a candidate for the
10 office sought by the candidate;

11 “(G) a disbursement for a broadcast, cable
12 or satellite communication, or for a paid inter-
13 net or paid digital communication, that pro-
14 motes, supports, attacks or opposes the election
15 of a clearly identified candidate for Federal,
16 State, or local office (regardless of whether the
17 communication contains express advocacy or the
18 functional equivalent of express advocacy) and
19 is for the purpose of influencing an election; or

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, that discusses a
24 national legislative issue of public importance in
25 a year in which a regularly scheduled general

1 election for Federal office is held, but only if
2 the disbursement is made by a foreign principal
3 who is a government of a foreign country or a
4 foreign political party or an agent of such a for-
5 eign principal under the Foreign Agents Reg-
6 istration Act of 1938, as amended.”.

7 (b) EFFECTIVE DATE.—The amendments made by
8 subsection (a) shall apply with respect to disbursements
9 made on or after the date of the enactment of this Act.

10 **Subtitle B—Reporting of** 11 **Campaign-Related Disbursements**

12 **SEC. 111. REPORTING OF CAMPAIGN-RELATED DISBURSE-** 13 **MENTS.**

14 (a) DISCLOSURE REQUIREMENTS FOR CORPORA-
15 TIONS, LABOR ORGANIZATIONS, AND CERTAIN OTHER
16 ENTITIES.—

17 (1) IN GENERAL.—Section 324 of the Federal
18 Election Campaign Act of 1971 (52 U.S.C. 30126)
19 is amended to read as follows:

20 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-** 21 **MENTS BY COVERED ORGANIZATIONS.**

22 “(a) DISCLOSURE STATEMENT.—

23 “(1) IN GENERAL.—Any covered organization
24 that makes campaign-related disbursements aggre-
25 gating more than \$10,000 in an election reporting

1 cycle shall, not later than 24 hours after each disclo-
2 sure date, file a statement with the Commission
3 made under penalty of perjury that contains the in-
4 formation described in paragraph (2)—

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

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

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

17 “(A) The name of the covered organization
18 and the principal place of business of such or-
19 ganization and, in the case of a covered organi-
20 zation that is a corporation (other than a busi-
21 ness concern that is an issuer of a class of secu-
22 rities registered under section 12 of the Securi-
23 ties Exchange Act of 1934 (15 U.S.C. 78l) or
24 that is required to file reports under section
25 15(d) of that Act (15 U.S.C. 78o(d))) or an en-

1 tity described in subsection (e)(2), a list of the
2 beneficial owners (as defined in paragraph
3 (4)(A)) of the entity that—

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

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

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

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

1 whether such communication is in support of or
2 in opposition to a 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 gestion 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 segregated bank account con-
14 sisting of funds that were paid directly to such
15 account by persons other than the covered orga-
16 nization that controls the account, for each
17 such payment to the account—

18 “(I) the name and address of each
19 person who made such payment during the
20 period covered by the 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 2020, sec-
13 tion 315(e)(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 2020.

21 “(F)(i) If the covered organization makes
22 campaign-related disbursements using funds
23 other than funds in a segregated bank account
24 described in subparagraph (E), for each pay-
25 ment 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 2020, 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 2020.

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 any account used to make campaign-
14 related disbursements.

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

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

25 “(A) BENEFICIAL OWNER DEFINED.—

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

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

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

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

14 “(I) a minor child;

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

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

23 “(IV) a person whose only inter-
24 est in an entity is through a right of
25 inheritance, unless the person also

1 meets the requirements of clause (i);
2 or

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

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

11 “(B) DISCLOSURE DATE.—The term ‘dis-
12 closure date’ means—

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

17 “(ii) any other date during such elec-
18 tion reporting cycle by which a person has
19 made campaign-related disbursements ag-
20 gregating more than \$10,000 since the
21 most recent disclosure date for such elec-
22 tion reporting cycle.

23 “(C) ELECTION REPORTING CYCLE.—The
24 term ‘election reporting cycle’ means the 2-year

1 period beginning on the date of the most recent
2 general election for Federal office.

3 “(D) PAYMENT.—The term ‘payment’ in-
4 cludes any contribution, donation, transfer, pay-
5 ment of dues, or other payment.

6 “(b) COORDINATION WITH OTHER PROVISIONS.—

7 “(1) OTHER REPORTS FILED WITH THE COM-
8 MISSION.—Information included in a statement filed
9 under this section may be excluded from statements
10 and reports filed under section 304.

11 “(2) TREATMENT AS SEPARATE SEGREGATED
12 FUND.—A segregated bank account referred to in
13 subsection (a)(2)(E) may be treated as a separate
14 segregated fund for purposes of section 527(f)(3) of
15 the Internal Revenue Code of 1986.

16 “(c) FILING.—Statements required to be filed under
17 subsection (a) shall be subject to the requirements of sec-
18 tion 304(d) to the same extent and in the same manner
19 as if such reports had been required under subsection (c)
20 or (g) of section 304.

21 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
22 FINED.—

23 “(1) IN GENERAL.—In this section, the term
24 ‘campaign-related disbursement’ means a disburse-

1 ment by a covered organization for any of the fol-
2 lowing:

3 “(A) An independent expenditure which ex-
4 pressly advocates the election or defeat of a
5 clearly identified candidate for election for Fed-
6 eral office, or is the functional equivalent of ex-
7 press advocacy because, when taken as a whole,
8 it can be interpreted by a reasonable person
9 only as advocating the election or defeat of a
10 candidate for election for Federal office.

11 “(B) Any public communication which re-
12 fers to a clearly identified candidate for election
13 for Federal office and which promotes or sup-
14 ports the election of a candidate for that office,
15 or attacks or opposes the election of a candidate
16 for that office, without regard to whether the
17 communication expressly advocates a vote for or
18 against a candidate for that office.

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

21 “(D) A covered transfer.

22 “(2) INTENT NOT REQUIRED.—A disbursement
23 for an item described in subparagraph (A), (B), (C),
24 or (D) of paragraph (1) shall be treated as a cam-

1 paign-related disbursement regardless of the intent
2 of the person making the disbursement.

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

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

9 “(2) A limited liability corporation that is not
10 otherwise treated as a corporation for purposes of
11 this Act (other than an organization described in
12 section 501(c)(3) of the Internal Revenue Code of
13 1986).

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

19 “(4) A labor organization (as defined in section
20 316(b)).

21 “(5) Any political organization under section
22 527 of the Internal Revenue Code of 1986, other
23 than a political committee under this Act (except as
24 provided in paragraph (6)).

1 “(6) A political committee with an account that
2 accepts donations or contributions that do not com-
3 ply with the contribution limits or source prohibi-
4 tions under this Act, but only with respect to such
5 accounts.

6 “(f) COVERED TRANSFER DEFINED.—

7 “(1) IN GENERAL.—In this section, the term
8 ‘covered transfer’ means any transfer or payment of
9 funds by a covered organization to another person if
10 the covered organization—

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

13 “(i) campaign-related disbursements
14 (other than covered transfers); or

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

19 “(B) made such transfer or payment in re-
20 sponse to a solicitation or other request for a
21 donation or payment for—

22 “(i) the making of or paying for cam-
23 paign-related disbursements (other than
24 covered transfers); or

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

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

7 “(i) the making of or paying for cam-
8 paign-related disbursements (other than
9 covered transfers); or

10 “(ii) donating or transferring any
11 amount of such transfer or payment to an-
12 other person for the purpose of making or
13 paying for such campaign-related disburse-
14 ments;

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

23 “(E) knew or had reason to know that the
24 person receiving the transfer or payment would
25 make campaign-related disbursements in an ag-

1 gregate amount of \$50,000 or more during the
2 2-year period beginning on the date of the
3 transfer or payment.

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

6 “(A) A disbursement made by a covered
7 organization in a commercial transaction in the
8 ordinary course of any trade or business con-
9 ducted by the covered organization or in the
10 form of investments made by the covered orga-
11 nization.

12 “(B) A disbursement made by a covered
13 organization if—

14 “(i) the covered organization prohib-
15 ited, in writing, the use of such disburse-
16 ment for campaign-related disbursements;
17 and

18 “(ii) the recipient of the disbursement
19 agreed to follow the prohibition and depos-
20 ited the disbursement in an account which
21 is segregated from any account used to
22 make campaign-related disbursements.

23 “(3) SPECIAL RULE REGARDING TRANSFERS
24 AMONG AFFILIATES.—

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

11 “(B) DETERMINATION OF AMOUNT OF
12 CERTAIN PAYMENTS AMONG AFFILIATES.—In
13 determining the amount of a transfer between
14 affiliates for purposes of subparagraph (A), to
15 the extent that the transfer consists of funds
16 attributable to dues, fees, or assessments which
17 are paid by individuals on a regular, periodic
18 basis in accordance with a per-individual cal-
19 culation which is made on a regular basis, the
20 transfer shall be attributed to the individuals
21 paying the dues, fees, or assessments and shall
22 not be attributed to the covered organization.

23 “(C) DESCRIPTION OF TRANSFERS BE-
24 TWEEN AFFILIATES.—A transfer of amounts
25 from one covered organization to another cov-

1 ered organization shall be treated as a transfer
2 between affiliates if—

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

5 “(ii) each of the organizations is an
6 affiliate of the same organization,

7 except that the transfer shall not be treated as
8 a transfer between affiliates if one of the orga-
9 nizations is established for the purpose of mak-
10 ing campaign-related disbursements.

11 “(D) DETERMINATION OF AFFILIATE STA-
12 TUS.—For purposes of subparagraph (C), a
13 covered organization is an affiliate of another
14 covered organization if—

15 “(i) the governing instrument of the
16 organization requires it to be bound by de-
17 cisions of the other organization;

18 “(ii) the governing board of the orga-
19 nization includes persons who are specifi-
20 cally designated representatives of the
21 other organization or are members of the
22 governing board, officers, or paid executive
23 staff members of the other organization, or
24 whose service on the governing board is

1 contingent upon the approval of the other
2 organization; or

3 “(iii) the organization is chartered by
4 the other organization.

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

16 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
17 MENTS.—Nothing in this section shall be construed to
18 waive or otherwise affect any other requirement of this
19 Act which relates to the reporting of campaign-related dis-
20 bursements.”.

21 “(2) CONFORMING AMENDMENT.—Section
22 304(f)(6) of such Act (52 U.S.C. 30104) is amended
23 by striking “Any requirement” and inserting “Ex-
24 cept as provided in section 324(b), any require-
25 ment”.

1 (b) COORDINATION WITH FINCEN.—

2 (1) IN GENERAL.—The Director of the Finan-
3 cial Crimes Enforcement Network of the Depart-
4 ment of the Treasury shall provide the Federal Elec-
5 tion Commission with such information as necessary
6 to assist in administering and enforcing section 324
7 of the Federal Election Campaign Act of 1971, as
8 added by this section.

9 (2) REPORT.—Not later than 6 months after
10 the date of the enactment of this Act, the Chairman
11 of the Federal Election Commission, in consultation
12 with the Director of the Financial Crimes Enforce-
13 ment Network of the Department of the Treasury,
14 shall submit to Congress a report with recommenda-
15 tions for providing further legislative authority to as-
16 sist in the administration and enforcement of such
17 section 324.

18 **SEC. 112. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
19 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
20 **BURSEMENTS CONSISTING OF COVERED**
21 **TRANSFERS.**

22 Section 319(a)(1)(A) of the Federal Election Cam-
23 paign Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amend-
24 ed by section 102, is amended by striking the semicolon
25 and inserting the following: “, and any disbursement,

1 other than a disbursement described in section
2 324(a)(3)(A), to another person who made a campaign-
3 related disbursement consisting of a covered transfer (as
4 described in section 324) during the 2-year period ending
5 on the date of the disbursement;”.

6 **SEC. 113. EFFECTIVE DATE.**

7 The amendments made by this subtitle shall apply
8 with respect to disbursements made on or after January
9 1, 2020, and shall take effect without regard to whether
10 or not the Federal Election Commission has promulgated
11 regulations to carry out such amendments.

12 **TITLE II—STAND BY EVERY AD**
13 **ACT**

14 **SEC. 201. SHORT TITLE.**

15 This title may be cited as the “Stand By Every Ad
16 Act”.

17 **SEC. 202. STAND BY EVERY AD.**

18 (a) EXPANDED DISCLAIMER REQUIREMENTS FOR
19 CERTAIN COMMUNICATIONS.—Section 318 of the Federal
20 Election Campaign Act of 1971 (52 U.S.C. 30120) is
21 amended by adding at the end the following new sub-
22 section:

23 “(e) EXPANDED DISCLAIMER REQUIREMENTS FOR
24 COMMUNICATIONS NOT AUTHORIZED BY CANDIDATES OR
25 COMMITTEES.—

1 “(1) IN GENERAL.—Except as provided in para-
2 graph (6), any communication described in para-
3 graph (3) of subsection (a) which is transmitted in
4 an audio or video format (including an Internet or
5 digital communication), or which is an Internet or
6 digital communication transmitted in a text or
7 graphic format, shall include, in addition to the re-
8 quirements of paragraph (3) of subsection (a), the
9 following:

10 “(A) The individual disclosure statement
11 described in paragraph (2)(A) (if the person
12 paying for the communication is an individual)
13 or the organizational disclosure statement de-
14 scribed in paragraph (2)(B) (if the person pay-
15 ing for the communication is not an individual).

16 “(B) If the communication is transmitted
17 in a video format, or is an Internet or digital
18 communication which is transmitted in a text or
19 graphic format, and is paid for in whole or in
20 part with a payment which is treated as a cam-
21 paign-related disbursement under section 324—

22 “(i) the Top Five Funders list (if ap-
23 plicable); or

24 “(ii) in the case of a communication
25 which, as determined on the basis of cri-

1 teria established in regulations issued by
2 the Commission, is of such short duration
3 that including the Top Five Funders list in
4 the communication would constitute a
5 hardship to the person paying for the com-
6 munication by requiring a disproportionate
7 amount of the content of the communica-
8 tion to consist of the Top Five Funders
9 list, the name of a website which contains
10 the Top Five Funders list (if applicable)
11 or, in the case of an Internet or digital
12 communication, a hyperlink to such
13 website.

14 “(C) If the communication is transmitted
15 in an audio format and is paid for in whole or
16 in part with a payment which is treated as a
17 campaign-related disbursement under section
18 324—

19 “(i) the Top Two Funders list (if ap-
20 plicable); or

21 “(ii) in the case of a communication
22 which, as determined on the basis of cri-
23 teria established in regulations issued by
24 the Commission, is of such short duration
25 that including the Top Two Funders list in

1 the communication would constitute a
2 hardship to the person paying for the com-
3 munication by requiring a disproportionate
4 amount of the content of the communica-
5 tion to consist of the Top Two Funders
6 list, the name of a website which contains
7 the Top Two Funders list (if applicable).

8 “(2) DISCLOSURE STATEMENTS DESCRIBED.—

9 “(A) INDIVIDUAL DISCLOSURE STATE-
10 MENTS.—The individual disclosure statement
11 described in this subparagraph is the following:
12 ‘I am _____, and I approve this
13 message.’, with the blank filled in with the
14 name of the applicable individual.

15 “(B) ORGANIZATIONAL DISCLOSURE
16 STATEMENTS.—The organizational disclosure
17 statement described in this subparagraph is the
18 following: ‘I am _____, the
19 _____ of _____, and
20 _____ approves this message.’,
21 with—

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

1 “(ii) the second blank to be filled in
2 with the title of the applicable individual;
3 and

4 “(iii) the third and fourth blank each
5 to be filled in with the name of the organi-
6 zation or other person paying for the com-
7 munication.

8 “(3) METHOD OF CONVEYANCE OF STATE-
9 MENT.—

10 “(A) COMMUNICATIONS IN TEXT OR
11 GRAPHIC FORMAT.—In the case of a commu-
12 nication to which this subsection applies which
13 is transmitted in a text or graphic format, the
14 disclosure statements required under paragraph
15 (1) shall appear in letters at least as large as
16 the majority of the text in the communication.

17 “(B) COMMUNICATIONS TRANSMITTED IN
18 AUDIO FORMAT.—In the case of a communica-
19 tion to which this subsection applies which is
20 transmitted in an audio format, the disclosure
21 statements required under paragraph (1) shall
22 be made by audio by the applicable individual
23 in a clear and conspicuous manner.

24 “(C) COMMUNICATIONS TRANSMITTED IN
25 VIDEO FORMAT.—In the case of a communica-

1 tion to which this subsection applies which is
2 transmitted in a video format, the information
3 required under paragraph (1)—

4 “(i) shall appear in writing at the end
5 of the communication or in a crawl along
6 the bottom of the communication in a clear
7 and conspicuous manner, with a reasonable
8 degree of color contrast between the back-
9 ground and the printed statement, for a
10 period of at least 6 seconds; and

11 “(ii) shall also be conveyed by an
12 unobscured, full-screen view of the applica-
13 ble individual or by the applicable indi-
14 vidual making the statement in voice-over
15 accompanied by a clearly identifiable pho-
16 tograph or similar image of the individual,
17 except in the case of a Top Five Funders
18 list.

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

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

24 “(B) if the communication is paid for by a
25 corporation, the chief executive officer of the

1 corporation (or, if the corporation does not have
2 a chief executive officer, the highest ranking of-
3 ficial of the corporation);

4 “(C) if the communication is paid for by a
5 labor organization, the highest ranking officer
6 of the labor organization; and

7 “(D) if the communication is paid for by
8 any other person, the highest ranking official of
9 such person.

10 “(5) TOP FIVE FUNDERS LIST AND TOP TWO
11 FUNDERS LIST DEFINED.—

12 “(A) TOP FIVE FUNDERS LIST.—The term
13 ‘Top Five Funders list’ means, with respect to
14 a communication which is paid for in whole or
15 in part with a campaign-related disbursement
16 (as defined in section 324), a list of the five
17 persons who, during the 12-month period end-
18 ing on the date of the disbursement, provided
19 the largest payments of any type in an aggre-
20 gate amount equal to or exceeding \$10,000 to
21 the person who is paying for the communication
22 and the amount of the payments each such per-
23 son provided. If two or more people provided
24 the fifth largest of such payments, the person
25 paying for the communication shall select one of

1 those persons to be included on the Top Five
2 Funders list.

3 “(B) TOP TWO FUNDERS LIST.—The term
4 ‘Top Two Funders list’ means, with respect to
5 a communication which is paid for in whole or
6 in part with a campaign-related disbursement
7 (as defined in section 324), a list of the persons
8 who, during the 12-month period ending on the
9 date of the disbursement, provided the largest
10 and the second largest payments of any type in
11 an aggregate amount equal to or exceeding
12 \$10,000 to the person who is paying for the
13 communication and the amount of the pay-
14 ments each such person provided. If two or
15 more persons provided the second largest of
16 such payments, the person paying for the com-
17 munication shall select one of those persons to
18 be included on the Top Two Funders list.

19 “(C) EXCLUSION OF CERTAIN PAY-
20 MENTS.—For purposes of subparagraphs (A)
21 and (B), in determining the amount of pay-
22 ments made by a person to a person paying for
23 a communication, there shall be excluded the
24 following:

1 “(i) Any amounts provided in the or-
2 dinary course of any trade or business con-
3 ducted by the person paying for the com-
4 munication or in the form of investments
5 in the person paying for the communica-
6 tion.

7 “(ii) Any payment which the person
8 prohibited, in writing, from being used for
9 campaign-related disbursements, but only
10 if the person paying for the communication
11 agreed to follow the prohibition and depos-
12 ited the payment in an account which is
13 segregated from any account used to make
14 campaign-related disbursements.

15 “(6) SPECIAL RULES FOR CERTAIN COMMU-
16 NICATIONS.—

17 “(A) EXCEPTION FOR COMMUNICATIONS
18 PAID FOR BY POLITICAL PARTIES AND CERTAIN
19 POLITICAL COMMITTEES.—This subsection does
20 not apply to any communication to which sub-
21 section (d)(2) applies.

22 “(B) TREATMENT OF VIDEO COMMUNICA-
23 TIONS LASTING 10 SECONDS OR LESS.—In the
24 case of a communication to which this sub-
25 section applies which is transmitted in a video

1 format, or is an Internet or digital communica-
2 tion which is transmitted in a text or graphic
3 format, the communication shall meet the fol-
4 lowing requirements:

5 “(i) The communication shall include
6 the individual disclosure statement de-
7 scribed in paragraph (2)(A) (if the person
8 paying for the communication is an indi-
9 vidual) or the organizational disclosure
10 statement described in paragraph (2)(B)
11 (if the person paying for the communica-
12 tion is not an individual).

13 “(ii) The statement described in
14 clause (i) shall appear in writing at the
15 end of the communication, or in a crawl
16 along the bottom of the communication, in
17 a clear and conspicuous manner, with a
18 reasonable degree of color contrast between
19 the background and the printed statement,
20 for a period of at least 4 seconds.

21 “(iii) The communication shall in-
22 clude, in a clear and conspicuous manner,
23 a website address with a landing page
24 which will provide all of the information
25 described in paragraph (1) with respect to

1 the communication. Such address shall ap-
2 pear for the full duration of the commu-
3 nication.

4 “(iv) To the extent that the format in
5 which the communication is made permits
6 the use of a hyperlink, the communication
7 shall include a hyperlink to the website ad-
8 dress described in clause (iii).”.

9 (b) APPLICATION OF EXPANDED REQUIREMENTS TO
10 PUBLIC COMMUNICATIONS CONSISTING OF CAMPAIGN-
11 RELATED DISBURSEMENTS.—Section 318(a) of such Act
12 (52 U.S.C. 30120(a)) is amended by striking “for the pur-
13 pose of financing communications expressly advocating the
14 election or defeat of a clearly identified candidate” and
15 inserting “for a campaign-related disbursement, as de-
16 fined in section 324, consisting of a public communica-
17 tion”.

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

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

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

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

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

7 (5) by adding at the end the following new sub-
8 paragraph:

9 “(B)(i) This paragraph does not apply to a
10 communication paid for in whole or in part during
11 a calendar year with a campaign-related disburse-
12 ment, but only if the covered organization making
13 the campaign-related disbursement made campaign-
14 related disbursements (as defined in section 324) ag-
15 gregating more than \$10,000 during such calendar
16 year.

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

21 “(I) Any amounts received by the covered
22 organization in the ordinary course of any trade
23 or business conducted by the covered organiza-
24 tion or in the form of investments in the cov-
25 ered organization.

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

10 **SEC. 203. DISCLAIMER REQUIREMENTS FOR COMMUNICA-**
11 **TIONS MADE THROUGH PRERECORDED TELE-**
12 **PHONE CALLS.**

13 (a) APPLICATION OF REQUIREMENTS.—

14 (1) IN GENERAL.—Section 318(a) of the Fed-
15 eral Election Campaign Act of 1971 (52 U.S.C.
16 30120(a)) is amended by inserting after “mailing,”
17 each place it appears the following: “telephone call
18 which consists in substantial part of a prerecorded
19 audio message,”.

20 (2) APPLICATION TO COMMUNICATIONS SUB-
21 JECT TO EXPANDED DISCLAIMER REQUIREMENTS.—

22 Section 318(e)(1) of such Act (52 U.S.C.
23 30120(e)(1)), as added by section 202(a), is amend-
24 ed in the matter preceding subparagraph (A) by
25 striking “which is transmitted in an audio or video

1 format” and inserting “which is transmitted in an
2 audio or video format or which consists of a tele-
3 phone call consisting in substantial part of a
4 prerecorded audio message”.

5 (b) TREATMENT AS COMMUNICATION TRANSMITTED
6 IN AUDIO FORMAT.—

7 (1) COMMUNICATIONS BY CANDIDATES OR AU-
8 THORIZED PERSONS.—Section 318(d) of such Act
9 (52 U.S.C. 30120(d)) is amended by adding at the
10 end the following new paragraph:

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

23 (2) COMMUNICATIONS SUBJECT TO EXPANDED
24 DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of
25 such Act (52 U.S.C. 30120(e)(3)), as added by sec-

1 tion 202(a), is amended by adding at the end the
2 following new subparagraph:

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

10 **SEC. 204. NO EXPANSION OF PERSONS SUBJECT TO DIS-**
11 **CLAIMER REQUIREMENTS ON INTERNET**
12 **COMMUNICATIONS.**

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

21 **SEC. 205. EFFECTIVE DATE.**

22 The amendments made by this title shall apply with
23 respect to communications made on or after January 1,
24 2020, and shall take effect without regard to whether or

1 not the Federal Election Commission has promulgated
2 regulations to carry out such amendments.

3 **TITLE III—OTHER PROVISIONS**

4 **SEC. 301. SEVERABILITY.**

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

○