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1ST SESSION

S. 486

To enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 16, 2023

Ms. KLOBUCHAR (for herself, Mr. GRAHAM, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

To enhance transparency and accountability for online political advertisements by requiring those who purchase and publish such ads to disclose information about the advertisements to the public, 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 “Honest Ads Act”.

5 **SEC. 2. PURPOSE.**

6 The purpose of this subtitle is to enhance the integ-
7 rity of American democracy and national security by im-
8 proving disclosure requirements for online political adver-

1 tisements in order to uphold the Supreme Court’s well-
2 established standard that the electorate bears the right to
3 be fully informed.

4 **SEC. 3. FINDINGS.**

5 Congress makes the following findings:

6 (1) In 2002, the Bipartisan Campaign Reform
7 Act of 2002 (Public Law 107–155) became law, es-
8 tablishing disclosure requirements for political adver-
9 tisements distributed from a television or radio
10 broadcast station or provider of cable or satellite tel-
11 evision. In 2003, the Supreme Court upheld regula-
12 tions on electioneering communications established
13 under the Act, noting that such requirements “pro-
14 vide the electorate with information and insure that
15 the voters are fully informed about the person or
16 group who is speaking.” The Court reaffirmed this
17 conclusion in 2010 by an 8–1 vote.

18 (2) In its 2006 rulemaking, the Federal Elec-
19 tion Commission, the independent Federal agency
20 charged with protecting the integrity of the Federal
21 campaign finance process, noted that 18 percent of
22 all Americans cited the internet as their leading
23 source of news about the 2004 Presidential election.
24 By contrast, Gallup and the Knight Foundation
25 found in 2020 that the majority of Americans, 58

1 percent, got most of their news about elections on-
2 line.

3 (3) According to studies from AdImpact and
4 Borrell Associates, in 2020, an estimated
5 \$1,700,000,000 was spent on online political adver-
6 tising, more than 10 times the amount spent in
7 2012.

8 (4) In order to enhance transparency of all po-
9 litical advertisement funding, it is prudent to extend
10 to online internet platforms the same types of polit-
11 ical advertisement disclosure requirements applicable
12 to broadcast television and radio stations, and pro-
13 viders of cable and satellite television.

14 (5) Effective and complete transparency for vot-
15 ers must include information about the true and
16 original source of money given, transferred, and
17 spent on political advertisements made online.

18 (6) Requiring the disclosure of this information
19 is a necessary and narrowly tailored means to in-
20 form the voting public of who is behind digital ad-
21 vertising disseminated to influence their votes and to
22 enable the Federal Election Commission and the De-
23 partment of Justice to detect and prosecute illegal
24 foreign spending on local, State, and Federal elec-
25 tions and other campaign finance violations.

1 (7) Paid advertising on large online platforms is
2 different from advertising placed on other common
3 media in terms of the comparatively low cost of
4 reaching large numbers of people, the availability of
5 sophisticated microtargeting, and the ease with
6 which online advertisers, particularly those located
7 outside the United States, can evade disclosure re-
8 quirements. Requiring large online platforms to
9 maintain public files of information about the online
10 political ads they disseminate is the best and least
11 restrictive means to ensure the voting public has
12 complete information about who is trying to influ-
13 ence their votes and to aid enforcement of other
14 laws, including the prohibition on foreign money in
15 domestic campaigns.

16 (8) The reach of a few large internet plat-
17 forms—larger than any broadcast, satellite, or cable
18 provider—has greatly facilitated the scope and effec-
19 tiveness of disinformation campaigns. For instance,
20 the largest platform has over 247,000,000 American
21 users—over 153,000,000 of them on a daily basis.
22 By contrast, the largest cable television provider has
23 16,142,000 subscribers, while the largest satellite
24 television provider has 13,300,000 subscribers. And

1 the most-watched television broadcast in United
2 States history had 118,000,000 viewers.

3 (9) The public nature of broadcast television,
4 radio, and satellite ensures a level of publicity for
5 any political advertisement. These communications
6 are accessible to the press, fact-checkers, and polit-
7 ical opponents. This creates strong disincentives for
8 a candidate to disseminate materially false, inflam-
9 matory, or contradictory messages to the public. So-
10 cial media platforms, in contrast, can target portions
11 of the electorate with direct, ephemeral advertise-
12 ments often on the basis of private information the
13 platform has on individuals, enabling political adver-
14 tisements that are contradictory, racially or socially
15 inflammatory, or materially false.

16 (10) Large social media platforms are the only
17 entities in possession of certain key data related to
18 paid online ads, including the exact audience tar-
19 geted by those ads and their number of impressions.
20 Such information, which cannot be reliably disclosed
21 by the purchasers of ads, is extremely useful for in-
22 forming the electorate, guarding against corruption,
23 and aiding in the enforcement of existing campaign
24 finance regulations.

1 (11) Paid advertisements on social media plat-
2 forms have served as critical tools for foreign online
3 influence campaigns—even those that rely on large
4 amounts of unpaid content—because such ads allow
5 foreign actors to test the effectiveness of different
6 messages, expose their messages to audiences who
7 have not sought out such content, and recruit audi-
8 ences for future campaigns and posts.

9 (12) A 2019 Senate Select Committee on
10 Intelligence’s Report on Russian Active Measures
11 Campaigns and Interference in the 2016 U.S. Elec-
12 tion Volume 2: Russia’s Use of Social Media with
13 Additional Views, the Committee recommended
14 “that Congress examine legislative approaches to en-
15 suring Americans know the sources of online polit-
16 ical advertisements. The Federal Election Campaign
17 Act of 1971 requires political advertisements on tele-
18 vision, radio and satellite to disclose the sponsor of
19 the advertisement. The same requirements should
20 apply online. This will also help to ensure that the
21 IRA or any similarly situated actors cannot use paid
22 advertisements for purposes of foreign inter-
23 ference.”.

24 (13) On March 16, 2021, the Office of the Di-
25 rector of National Intelligence released the declas-

1 sified Intelligence Community assessment of foreign
2 threats to the 2020 U.S. Federal elections. The de-
3 classified report found: “Throughout the election
4 cycle, Russia’s online influence actors sought to af-
5 fect U.S. public perceptions of the candidates, as
6 well as advance Moscow’s longstanding goals of un-
7 dermining confidence in U.S. election processes and
8 increasing sociopolitical divisions among the Amer-
9 ican people.” The report also determined that Iran
10 sought to influence the election by “creating and
11 amplifying social media content that criticized [can-
12 didates].”

13 (14) According to a Wall Street Journal report
14 in April 2021, voluntary ad libraries operated by
15 major platforms rely on foreign governments to self-
16 report political ad purchases. These ad-buys, includ-
17 ing those diminishing major human rights violations
18 like the Uighur genocide, are under-reported by for-
19 eign government purchasers, with no substantial
20 oversight or repercussions from the platforms.

21 (15) Multiple reports have indicated that online
22 ads have become a key vector for strategic influence
23 by the People’s Republic of China. An April 2021
24 Wall Street Journal report noted that the Chinese
25 Government and Chinese State-owned enterprises

1 are major purchasers of ads on the U.S.'s largest so-
2 cial media platform, including to advance Chinese
3 propaganda.

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

10 (17) The Federal Election Commission's cur-
11 rent regulations on political advertisements do not
12 provide sufficient transparency to uphold the
13 public's right to be fully informed about political ad-
14 vertisements made online.

15 **SEC. 4. SENSE OF CONGRESS.**

16 It is the sense of Congress that—

17 (1) the dramatic increase in digital political ad-
18 vertisements, and the growing centrality of online
19 platforms in the lives of Americans, requires the
20 Congress and the Federal Election Commission to
21 take meaningful action to ensure that laws and reg-
22 ulations provide the accountability and transparency
23 that is fundamental to our democracy;

24 (2) free and fair elections require both trans-
25 parency and accountability which give the public a

1 right to know the true sources of funding for polit-
 2 ical advertisements, be they foreign or domestic, in
 3 order to make informed political choices and hold
 4 elected officials accountable; and

5 (3) transparency of funding for political adver-
 6 tisements is essential to enforce other campaign fi-
 7 nance laws, including the prohibition on campaign
 8 spending by foreign nationals.

9 **SEC. 5. EXPANSION OF DEFINITION OF PUBLIC COMMU-
 10 NICATION.**

11 (a) IN GENERAL.—Paragraph (22) of section 301 of
 12 the Federal Election Campaign Act of 1971 (52 U.S.C.
 13 30101(22)) is amended by striking “or satellite commu-
 14 nication” and inserting “satellite, paid internet, or paid
 15 digital communication”.

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

19 (1) in paragraph (8)(B)(v), by striking “on
 20 broadcasting stations, or in newspapers, magazines,
 21 or similar types of general public political adver-
 22 tising” and inserting “in any public communica-
 23 tion”; and

24 (2) in paragraph (9)(B)—

1 (A) by amending clause (i) to read as fol-
2 lows:

3 “(i) any news story, commentary, or
4 editorial distributed through the facilities
5 of any broadcasting station or any print,
6 online, or digital newspaper, magazine,
7 publication, periodical, blog, or platform,
8 unless such broadcasting, print, online, or
9 digital facilities are owned or controlled by
10 any political party, political committee, or
11 candidate;” and

12 (B) in clause (iv), by striking “on broad-
13 casting stations, or in newspapers, magazines,
14 or similar types of general public political ad-
15 vertising” and inserting “in any public commu-
16 nication”.

17 (c) DISCLOSURE AND DISCLAIMER STATEMENTS.—
18 Subsection (a) of section 318 of such Act (52 U.S.C.
19 30120) is amended—

20 (1) by striking “financing any communication
21 through any broadcasting station, newspaper, maga-
22 zine, outdoor advertising facility, mailing, or any
23 other type of general public political advertising”
24 and inserting “financing any public communication”;
25 and

1 (2) by striking “solicits any contribution
2 through any broadcasting station, newspaper, maga-
3 zine, outdoor advertising facility, mailing, or any
4 other type of general public political advertising”
5 and inserting “solicits any contribution through any
6 public communication”.

7 (d) EFFECTIVE DATE.—The amendments made by
8 this section shall take effect on the date of the enactment
9 of this Act and shall take effect without regard to whether
10 or not the Federal Election Commission has promulgated
11 the final regulations necessary to carry out this part and
12 the amendments made by this part by the deadline set
13 forth in subsection (e).

14 (e) REGULATION.—Not later than 1 year after the
15 date of the enactment of this Act, the Federal Election
16 Commission shall promulgate regulations on what con-
17 stitutes a paid internet or paid digital communication for
18 purposes of paragraph (22) of section 301 of the Federal
19 Election Campaign Act of 1971 (52 U.S.C. 30101(22)),
20 as amended by subsection (a), except that such regulation
21 shall not define a paid internet or paid digital communica-
22 tion to include communications for which the only pay-
23 ment consists of internal resources, such as employee com-
24 pensation, of the entity paying for the communication.

1 **SEC. 6. EXPANSION OF DEFINITION OF ELECTIONEERING**
2 **COMMUNICATION.**

3 (a) **EXPANSION TO ONLINE COMMUNICATIONS.—**

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

6 (A) **IN GENERAL.—**Subparagraph (A) of
7 section 304(f)(3) of the Federal Election Cam-
8 paign Act of 1971 (52 U.S.C. 30104(f)(3)(A))
9 is amended by striking “or satellite communica-
10 tion” each place it appears in clauses (i) and
11 (ii) and inserting “satellite, or qualified internet
12 or digital communication”.

13 (B) **QUALIFIED INTERNET OR DIGITAL**
14 **COMMUNICATION.—**Paragraph (3) of section
15 304(f) of such Act (52 U.S.C. 30104(f)) is
16 amended by adding at the end the following
17 new subparagraph:

18 “(D) **QUALIFIED INTERNET OR DIGITAL**
19 **COMMUNICATION.—**The term ‘qualified internet
20 or digital communication’ means any commu-
21 nication which is placed or promoted for a fee
22 on an online platform (as defined in subsection
23 (j)(3)).”.

24 (2) **NONAPPLICATION OF RELEVANT ELEC-**
25 **TORATE TO ONLINE COMMUNICATIONS.—**Section
26 304(f)(3)(A)(i)(III) of such Act (52 U.S.C.

1 30104(f)(3)(A)(i)(III)) is amended by inserting “any
 2 broadcast, cable, or satellite” before “communica-
 3 tion”.

4 (3) NEWS EXEMPTION.—Section
 5 304(f)(3)(B)(i) of such Act (52 U.S.C.
 6 30104(f)(3)(B)(i)) is amended to read as follows:

7 “(i) a communication appearing in a
 8 news story, commentary, or editorial dis-
 9 tributed through the facilities of any
 10 broadcasting station or any online or dig-
 11 ital newspaper, magazine, publication, peri-
 12 odical, blog, or platform, unless such
 13 broadcasting, online, or digital facilities are
 14 owned or controlled by any political party,
 15 political committee, or candidate;”.

16 (b) EFFECTIVE DATE.—The amendments made by
 17 this section shall apply with respect to communications
 18 made on or after January 1, 2024, and shall take effect
 19 without regard to whether or not the Federal Election
 20 Commission has promulgated regulations to carry out
 21 such amendments.

22 **SEC. 7. APPLICATION OF DISCLAIMER STATEMENTS TO ON-**
 23 **LINE COMMUNICATIONS.**

24 (a) CLEAR AND CONSPICUOUS MANNER REQUIRE-
 25 MENT.—Subsection (a) of section 318 of the Federal Elec-

1 tion Campaign Act of 1971 (52 U.S.C. 30120(a)) is
2 amended—

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

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

12 (b) SPECIAL RULES FOR QUALIFIED INTERNET OR
13 DIGITAL COMMUNICATIONS.—

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

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

19 “(1) SPECIAL RULES WITH RESPECT TO STATE-
20 MENTS.—In the case of any qualified internet or
21 digital communication (as defined in section
22 304(f)(3)(D)) which is disseminated through a me-
23 dium in which the provision of all of the information
24 specified in this section is not possible, the commu-
25 nication shall, in a clear and conspicuous manner—

1 “(A) state the name of the person who
2 paid for the communication; and

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

9 “(2) SAFE HARBOR FOR DETERMINING CLEAR
10 AND CONSPICUOUS MANNER.—A statement in quali-
11 fied internet or digital communication (as defined in
12 section 304(f)(3)(D)) shall be considered to be made
13 in a clear and conspicuous manner as provided in
14 subsection (a) if the communication meets the fol-
15 lowing requirements:

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

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

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

24 “(B) AUDIO COMMUNICATIONS.—In the
25 case of an audio communication, the statement

1 is spoken in a clearly audible and intelligible
2 manner at the beginning or end of the commu-
3 nication and lasts at least 3 seconds.

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

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

9 “(ii) is made both in—

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

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

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

22 (2) NONAPPLICATION OF CERTAIN EXCEP-
23 TIONS.—The exceptions provided in section
24 110.11(f)(1)(i) and (ii) of title 11, Code of Federal
25 Regulations, or any successor to such rules, shall

1 have no application to qualified internet or digital
2 communications (as defined in section 304(f)(3)(D)
3 of the Federal Election Campaign Act of 1971).

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

7 (1) in paragraph (1)(A)—

8 (A) by striking “which is transmitted
9 through radio” and inserting “which is in an
10 audio format”; and

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

13 (2) in paragraph (1)(B)—

14 (A) by striking “which is transmitted
15 through television” and inserting “which is in
16 video format”; and

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

19 (3) in paragraph (2)—

20 (A) by striking “transmitted through radio
21 or television” and inserting “made in audio or
22 video format”; and

23 (B) by striking “through television” in the
24 second sentence and inserting “in video for-
25 mat”.

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

6 **SEC. 8. POLITICAL RECORD REQUIREMENTS FOR ONLINE**
7 **PLATFORMS.**

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

11 “(j) DISCLOSURE OF CERTAIN ONLINE ADVERTISE-
12 MENTS.—

13 “(1) IN GENERAL.—

14 “(A) REQUIREMENTS FOR ONLINE PLAT-
15 FORMS.—

16 “(i) IN GENERAL.—An online plat-
17 form shall maintain, and make available
18 for online public inspection in machine
19 readable format, a complete record of any
20 qualified political advertisement which is
21 purchased by a person whose aggregate
22 purchases of qualified political advertise-
23 ments on such online platform during the
24 calendar year exceeds \$500.

1 “(ii) REQUIREMENT RELATING TO PO-
2 LITICAL ADS SOLD BY THIRD PARTY AD-
3 VERTISING VENDORS.—An online platform
4 that displays a qualified political advertise-
5 ment sold by a third party advertising ven-
6 dor shall include on its own platform—

7 “(I) an easily accessible and
8 identifiable link to the records main-
9 tained by the third-party advertising
10 vendor under clause (i) regarding
11 such qualified political advertisement;
12 or

13 “(II) in any case in which the
14 third party advertising vendor does
15 not make such records available, a
16 statement that no records from the
17 third party advertising vendors
18 records are available.

19 “(B) REQUIREMENTS FOR ADVER-
20 TISERS.—Any person who purchases a qualified
21 political advertisement on an online platform
22 shall provide the online platform with such in-
23 formation as is necessary for the online plat-
24 form to comply with the requirements of sub-
25 paragraph (A).

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

3 “(A) a digital copy of the qualified political
4 advertisement;

5 “(B) a description of the audience that re-
6 ceived the advertisement, the number of views
7 generated from the advertisement, and the date
8 and time that the advertisement is first dis-
9 played and last displayed; and

10 “(C) information regarding—

11 “(i) the total cost of the advertise-
12 ment (which may be rounded to the near-
13 est \$100);

14 “(ii) the name of the candidate to
15 which the advertisement refers and the of-
16 fice to which the candidate is seeking elec-
17 tion, the election to which the advertise-
18 ment refers, or the national legislative
19 issue to which the advertisement refers (as
20 applicable);

21 “(iii) in the case of a request made
22 by, or on behalf of, a candidate, the name
23 of the candidate, the authorized committee
24 of the candidate, and the treasurer of such
25 committee; and

1 “(iv) in the case of any request not
2 described in clause (iii), the name of the
3 person purchasing the advertisement, the
4 name and address of a contact person for
5 such person, and a list of the chief execu-
6 tive officers or members of the executive
7 committee or of the board of directors of
8 such person.

9 “(3) ONLINE PLATFORM.—

10 “(A) IN GENERAL.—For purposes of this
11 subsection, subject to subparagraph (B), the
12 term ‘online platform’ means any public-facing
13 website, web application, or digital application
14 (including a social network, ad network, or
15 search engine) which—

16 “(i)(I) sells qualified political adver-
17 tisements; and

18 “(II) has 50,000,000 or more unique
19 monthly United States visitors or users for
20 a majority of months during the preceding
21 12 months; or

22 “(ii) is a third-party advertising ven-
23 dor that has 50,000,000 or more unique
24 monthly United States visitors in the ag-
25 gregate on any advertisement space that it

1 has sold or bought for a majority of
2 months during the preceding 12 months,
3 as measured by an independent digital rat-
4 ings service accredited by the Media Rat-
5 ings Council (or its successor).

6 “(B) EXEMPTION.—Such term shall not
7 include any online platform that is a distribu-
8 tion facility of any broadcasting station or
9 newspaper, magazine, blog, publication, or peri-
10 odical.

11 “(C) THIRD-PARTY ADVERTISING VENDOR
12 DEFINED.—For purposes of this subsection, the
13 term ‘third-party advertising vendor’ includes
14 any third-party advertising vendor network, ad-
15 vertising agency, advertiser, or third-party ad-
16 vertisement serving company that buys and
17 sells advertisement space on behalf of unaffili-
18 ated third-party websites, search engines, dig-
19 ital applications, or social media sites.

20 “(4) QUALIFIED POLITICAL ADVERTISEMENT.—
21 For purposes of this subsection, the term ‘qualified
22 political advertisement’ means any advertisement
23 (including search engine marketing, display adver-
24 tisements, video advertisements, native advertise-
25 ments, and sponsorships) that—

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

3 “(B) communicates a message relating to
4 any political matter of national importance, in-
5 cluding—

6 “(i) a candidate;

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

8 “(iii) a national legislative issue of
9 public importance.

10 “(5) TIME TO MAINTAIN FILE.—The informa-
11 tion required under this subsection shall be made
12 available as soon as possible and shall be retained by
13 the online platform for a period of not less than 4
14 years.

15 “(6) SPECIAL RULE.—For purposes of this sub-
16 section, multiple versions of an advertisement that
17 contain no material differences (such as versions
18 that differ only because they contain a recipient’s
19 name, or differ only in size, color, font, or layout)
20 may be treated as a single qualified political adver-
21 tisement.

22 “(7) PENALTIES.—For penalties for failure by
23 online platforms, and persons requesting to purchase
24 a qualified political advertisement on online plat-

1 forms, to comply with the requirements of this sub-
2 section, see section 309.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act and shall take effect without regard to whether
6 or not the Federal Election Commission has promulgated
7 the final regulations necessary to carry out this part and
8 the amendments made by this part by the deadline set
9 forth in subsection (c).

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

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

17 (2) requiring common data formats for the
18 record required to be maintained under such section
19 304(j) so that all online platforms submit and main-
20 tain data online in a common, machine-readable and
21 publicly accessible format; and

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

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

5 (1) matters relating to compliance with and the
6 enforcement of the requirements of section 304(j) of
7 the Federal Election Campaign Act of 1971, as
8 added by subsection (a);

9 (2) recommendations for any modifications to
10 such section to assist in carrying out its purposes;
11 and

12 (3) identifying ways to bring transparency and
13 accountability to political advertisements distributed
14 online for free.

15 **SEC. 9. PREVENTING CONTRIBUTIONS, EXPENDITURES,**
16 **INDEPENDENT EXPENDITURES, AND DIS-**
17 **BURSEMENTS FOR ELECTIONEERING COM-**
18 **MUNICATIONS BY FOREIGN NATIONALS IN**
19 **THE FORM OF ONLINE ADVERTISING.**

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

23 “(c) RESPONSIBILITIES OF BROADCAST STATIONS,
24 PROVIDERS OF CABLE AND SATELLITE TELEVISION, AND
25 ONLINE PLATFORMS.—

1 “(1) IN GENERAL.—Each television or radio
 2 broadcast station, provider of cable or satellite tele-
 3 vision, or online platform (as defined in section
 4 304(j)(3)) shall make reasonable efforts to ensure
 5 that communications described in section 318(a) and
 6 made available by such station, provider, or platform
 7 are not purchased by a foreign national, directly or
 8 indirectly.

9 “(2) REGULATIONS.—Not later than 1 year
 10 after the date of the enactment of this subsection,
 11 the Commission shall promulgate regulations on
 12 what constitutes reasonable efforts under paragraph
 13 (1).”.

14 **SEC. 10. REQUIRING ONLINE PLATFORMS TO DISPLAY NO-**
 15 **TICES IDENTIFYING SPONSORS OF POLIT-**
 16 **ICAL ADVERTISEMENTS AND TO ENSURE NO-**
 17 **TICES CONTINUE TO BE PRESENT WHEN AD-**
 18 **VERTISEMENTS ARE SHARED.**

19 (a) IN GENERAL.—Section 304 of the Federal Elec-
 20 tion Campaign Act of 1971 (52 U.S.C. 30104), as amend-
 21 ed by section 8(a), is amended by adding at the end the
 22 following new subsection:

23 “(k) ENSURING DISPLAY AND SHARING OF SPONSOR
 24 IDENTIFICATION IN ONLINE POLITICAL ADVERTISE-
 25 MENTS.—

1 “(1) REQUIREMENT.—Any online platform that
2 displays a qualified political advertisement (regard-
3 less of whether such qualified political advertisement
4 was purchased directly from the online platform)
5 shall—

6 “(A) display with the advertisement a visi-
7 ble notice identifying the sponsor of the adver-
8 tisement (or, if it is not practical for the plat-
9 form to display such a notice, a notice that the
10 advertisement is sponsored by a person other
11 than the platform); and

12 “(B) ensure that the notice will continue to
13 be displayed if a viewer of the advertisement
14 shares the advertisement with others on that
15 platform.

16 “(2) SAFE HARBOR.—An online platform shall
17 not be treated as having failed to comply with the
18 requirements of paragraph (1)(A) for the
19 misidentification of a person as the sponsor of the
20 advertisement if—

21 “(A) the person placing the online adver-
22 tisement designated the person displayed in the
23 advertisement as the sponsor; and

24 “(B) the online platform relied on such
25 designation in good faith.

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

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

4 “(B) the term “qualified political adver-
5 tisement’ has the meaning given such term in
6 subsection (j)(4); and

7 “(C) the term ‘sponsor’ means the person
8 purchasing the advertisement.”.

9 (b) EFFECTIVE DATE.—The amendment made by
10 subsection (a) shall apply with respect to advertisements
11 displayed on or after the 120–day period which begins on
12 the date of the enactment of this Act and shall take effect
13 without regard to whether or not the Federal Election
14 Commission has promulgated regulations to carry out
15 such amendments.

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