

118TH CONGRESS  
1ST SESSION

# H. R. 2599

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.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2023

Mr. KILMER (for himself and Mr. GALLAGHER) introduced the following bill;  
which was referred to the Committee on House Administration

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## 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 US 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 are

1 major purchasers of ads on the U.S.'s largest social  
2 media platform, including to advance Chinese propa-  
3 ganda.

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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