

117TH CONGRESS  
1ST SESSION

# H. R. 3849

To promote competition, lower entry barriers, and reduce switching costs  
for consumers and businesses online.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2021

Ms. SCANLON (for herself, Mr. OWENS, Mr. CICILLINE, Mr. BUCK, and Mr. NADLER) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To promote competition, lower entry barriers, and reduce  
switching costs for consumers and businesses online.

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 “Augmenting Compat-  
5 ibility and Competition by Enabling Service Switching Act  
6 of 2021” or the “ACCESS Act of 2021”.

7 **SEC. 2. UNFAIR METHOD OF COMPETITION.**

8 A violation of this Act, or standards issued pursuant  
9 to this Act, by a person, partnership, or corporation oper-  
10 ating a covered platform, in or affecting commerce, shall

1 be an unfair method of competition in violation of section  
2 5(a)(1) of the Federal Trade Commission Act (15 U.S.C.  
3 45).

4 **SEC. 3. PORTABILITY.**

5 (a) IN GENERAL.—A covered platform shall maintain  
6 a set of transparent, third-party-accessible interfaces (in-  
7 cluding application programming interfaces) to enable the  
8 secure transfer of data to a user, or with the affirmative  
9 consent of a user, to a business user at the direction of  
10 a user, in a structured, commonly used, and machine-read-  
11 able format that complies with the standards issued pursu-  
12 ant to section 6(c).

13 (b) DATA SECURITY.—

14 (1) IN GENERAL.—A competing business or a  
15 potential competing business that receives ported  
16 user data from a covered platform shall reasonably  
17 secure any user data it acquires, and shall take rea-  
18 sonable steps to avoid introducing security risks to  
19 data or the covered platform’s information systems.

20 (2) VIOLATION.—A failure to comply with this  
21 section is a violation of this Act and subject to the  
22 enforcement under sections 9 and 10 of this Act.

23 (3) TERMINATION OF ACCESS.—The Commis-  
24 sion may require the covered platform to cease the  
25 transfer of data to a competing or potentially com-

1       peting business that the Commission finds has vio-  
2       lated this section or standards adopted by the Com-  
3       mission under section 6(c) of this Act.

4       (c) PORTABILITY OBLIGATIONS.—In order to achieve  
5 portability under subsection (a), a covered platform shall  
6 comply with the standards issued under section 6(c) by  
7 the Commission.

8 **SEC. 4. INTEROPERABILITY.**

9       (a) IN GENERAL.—A covered platform shall maintain  
10 a set of transparent, third-party-accessible interfaces (in-  
11 cluding application programming interfaces) to facilitate  
12 and maintain interoperability with a competing business  
13 or a potential competing business that complies with the  
14 standards issued pursuant to section 6(c).

15       (b) DATA SECURITY.—

16           (1) IN GENERAL.—A competing business or a  
17 potential competing business that accesses an inter-  
18 operability interface of a covered platform shall rea-  
19 sonably secure any user data it acquires, processes,  
20 or transmits, and shall take reasonable steps to  
21 avoid introducing security risks to user data or the  
22 covered platform’s information systems.

23           (2) VIOLATION.—A failure to comply with this  
24 section is a violation of this Act and subject to the  
25 enforcement under sections 9 and 10 of this Act.

1           (3) TERMINATION OF ACCESS.—The Commis-  
2           sion may require the covered platform to cease inter-  
3           operating with a competing or potentially competing  
4           business that the Commission finds has violated this  
5           section or standards adopted by the Commission  
6           under section 6(e) of this Act.

7           (c) INTEROPERABILITY OBLIGATIONS.—In order to  
8           achieve interoperability under subsection (a), a covered  
9           platform shall comply with the standards issued under sec-  
10          tion 6(e) by the Commission.

11          (d) SECURITY AND PRIVACY STANDARDS.—Con-  
12          sistent with standards issued by the Commission under  
13          section 6(e) of this Act, a covered platform shall set pri-  
14          vacy and security standards for access by competing busi-  
15          nesses or potential competing businesses to the extent rea-  
16          sonably necessary to address a threat to the covered plat-  
17          form or user data, and shall report any suspected viola-  
18          tions of those standards to the Commission.

19          (e) PROHIBITED CHANGES TO INTERFACES.—

20                 (1) COMMISSION APPROVAL.—A covered plat-  
21                 form may make a change that may affect its inter-  
22                 operability interface by petitioning the Commission  
23                 to approve a proposed change. The Commission shall  
24                 allow the change if, after consulting with the rel-  
25                 evant technical committee the Commission concludes

1 that the change is not being made with the purpose  
2 or effect of unreasonably denying access or under-  
3 mining interoperability for competing businesses or  
4 potential competing businesses.

5 (2) EXCEPTION.—A covered platform may  
6 make a change affecting its interoperability inter-  
7 faces without receiving approval from the Commis-  
8 sion if that change is necessary to address a security  
9 vulnerability or other exigent circumstance that cre-  
10 ates an imminent risk to user privacy or security if  
11 the change is narrowly tailored to the vulnerability  
12 and does not have the purpose or effect of unreason-  
13 ably denying access or undermining interoperability  
14 for competing businesses or potential competing  
15 businesses.

16 (3) INTERFACE INFORMATION.—

17 (A) IN GENERAL.—Not later than 120  
18 days after the adoption of a rule by the Com-  
19 mission under section 6(c) of this Act, a cov-  
20 ered platform shall provide to competing busi-  
21 nesses or potential competing businesses com-  
22 plete and accurate documentation describing ac-  
23 cess to the interoperability interface required  
24 under this section.

1 (B) CONTENTS.—The documentation re-  
2 quired under subparagraph (A) is limited to  
3 interface documentation necessary to achieve  
4 development and operation of interoperable  
5 products and services.

6 (4) NOTICE OF CHANGES.—A covered platform  
7 shall provide reasonable advance notice to a com-  
8 peting business or a potential competing business,  
9 which may be provided through public notice, of any  
10 change to an interoperability interface maintained by  
11 the covered platform that will affect the interoper-  
12 ability of a competing business or a potential com-  
13 peting business.

14 (f) DATA MINIMIZATION.—

15 (1) NON-COMMERCIALIZATION BY A COVERED  
16 PLATFORM.—A covered platform shall not collect,  
17 use, or share user data obtained from a business  
18 user through the interoperability interface except for  
19 the purposes of safeguarding the privacy and secu-  
20 rity of such information or maintaining interoper-  
21 ability of services.

22 (2) NON-COMMERCIALIZATION OF DATA ON A  
23 COVERED PLATFORM.—A business user shall not col-  
24 lect, use, or share the data of a user on a covered  
25 platform except for the purposes of safeguarding

1 and security of such data or maintaining interoper-  
2 ability of services.

3 **SEC. 5. DEFINITIONS.**

4 In this Act:

5 (1) PERSON.—The term “person” has the  
6 meaning given the term in subsection (a) of section  
7 1 of the Clayton Act (15 U.S.C. 12).

8 (2) AFFIRMATIVE EXPRESS CONSENT.—The  
9 term “affirmative express consent” means an affirm-  
10 ative action of the consumer to make a choice fol-  
11 lowing a clear and conspicuous disclosure to the con-  
12 sumer, separate and apart from any “privacy pol-  
13 icy”, “terms of service”, “terms of service”, “con-  
14 sent for research”, or other similar document, of—

15 (A) the types of Personal Information that  
16 Respondent will disclose to third parties;

17 (B) the reason for such disclosures;

18 (C) the identity of all such third parties;

19 (D) any opportunities consumers have to  
20 decline or rescind consent for such disclosures;  
21 and

22 (E) how consumers may exercise any such  
23 opportunities.

24 An affirmative action does not include obtaining a  
25 consumer’s approval for a preselected default option.

1           (3) CLEAR AND CONSPICUOUS DISCLOSURE.—

2           The term “clear and conspicuous disclosure” means  
3           that a required disclosure is difficult to miss such  
4           that it is easily noticeable and easily understandable  
5           by ordinary consumers, including in all of the fol-  
6           lowing ways:

7                   (A) In any communication that is solely  
8                   visual or solely audible, the disclosure must be  
9                   made through the same means through which  
10                  the communication is presented. In any commu-  
11                  nication made through both visual and audible  
12                  means, such as a television advertisement, the  
13                  disclosure must be presented simultaneously in  
14                  both the visual and audible portions of the com-  
15                  munication even if the representation requiring  
16                  the disclosure (“triggering representation”) is  
17                  made through only one means.

18                   (B) A visual disclosure, by its size, con-  
19                   trast, location, the length of time it appears,  
20                   and other characteristics, must stand out from  
21                   any accompanying text or other visual elements  
22                   so that it is easily noticed, read, and under-  
23                   stood.

24                   (C) An audible disclosure, including by  
25                   telephone or streaming video, must be delivered



1 in a volume, speed, and cadence sufficient for  
2 ordinary consumers to easily hear and under-  
3 stand it.

4 (D) In any communication using an inter-  
5 active electronic medium, such as the Internet  
6 or software, the disclosure must be unavoidable.

7 (E) The disclosure must use diction and  
8 syntax understandable to ordinary consumers  
9 and must appear in each language in which the  
10 triggering representation appears.

11 (F) The disclosure must comply with these  
12 requirements in each medium through which it  
13 is received, including all electronic devices and  
14 face-to-face communications.

15 (G) The disclosure must not be contra-  
16 dicted or mitigated by, or inconsistent with,  
17 anything else in the communication.

18 (H) When the representation or sales prac-  
19 tice targets a specific audience, such as chil-  
20 dren, the elderly, or the terminally ill, “ordinary  
21 consumers” includes reasonable members of  
22 that group.

23 (4) COMMISSION.—The term “Commission”  
24 means the Federal Trade Commission.

1           (5) CONTROL.—The term “control” with re-  
2           spect to a person means—

3                   (A) holding 25 percent or more of the  
4                   stock of the person;

5                   (B) having the right to 25 percent or more  
6                   of the profits of the person;

7                   (C) having the right to 25 percent or more  
8                   of the assets of the person, in the event of the  
9                   person’s dissolution;

10                  (D) if the person is a corporation, having  
11                  the power to designate 25 percent or more of  
12                  the directors of the person;

13                  (E) if the person is a trust, having the  
14                  power to designate 25 percent or more of the  
15                  trustees; or

16                  (F) otherwise exercises substantial control  
17                  over the person.

18           (6) COVERED PLATFORM.—The term “covered  
19           platform” means an online platform—

20                   (A) that has been designated as a “covered  
21                   platform” under section 6(a); or

22                   (B) that—

23                           (i) at the time of the Commission’s or  
24                           the Department of Justice’s designation  
25                           under section 2(d), or any of the twelve

1 months preceding that time, or in any of  
2 the 12 months preceding the filing of a  
3 complaint for an alleged violation of this  
4 Act—

5 (I) has at least 50,000,000  
6 United States-based monthly active  
7 users on the online platform; or

8 (II) has at least 100,000 United  
9 States-based monthly active business  
10 users on the platform;

11 (ii) is owned or controlled by a person  
12 with net annual sales, or a market capital-  
13 ization greater than \$600,000,000,000, ad-  
14 justed for inflation on the basis of the  
15 Consumer Price Index, at the time of the  
16 Commission's or the Department of Jus-  
17 tice's designation under section 6(a) or any  
18 of the two years preceding that time, or at  
19 any time in the 2 years preceding the filing  
20 of a complaint for an alleged violation of  
21 this Act; and

22 (iii) is a critical trading partner for  
23 the sale or provision of any product or  
24 service offered on or directly related to the  
25 online platform.

1           (7) COVERED PLATFORM OPERATOR.—The  
2 term “covered platform operator” means a person  
3 that, directly or indirectly, owns or controls a cov-  
4 ered platform.

5           (8) CRITICAL TRADING PARTNER.—The term  
6 “critical trading partner” means a trading partner  
7 that has the ability to restrict or impede—

8                 (A) the access of a business user to its  
9 users or customers; or

10                (B) the access of a business user to a tool  
11 or service that it needs to effectively serve its  
12 users or customers.

13           (9) DATA.—

14                 (A) IN GENERAL.—Not later than 6  
15 months after the date of enactment of this Act,  
16 the Commission shall adopt rules in accordance  
17 with section 553 of title 5, United States Code,  
18 to define the term “data” for the purpose of  
19 implementing and enforcing this Act.

20                 (B) DATA.—The term “data” shall include  
21 information that is collected by or provided to  
22 a covered platform or competing business or a  
23 potential competing business that is linked, or  
24 reasonably linkable, to a specific user, user de-  
25 vice, or customer of the covered platform or a

1 competing business or a potential competing  
2 business.

3 (C) EXCLUSION.—The term “data” shall  
4 not include proprietary data that does not per-  
5 tain to the user or a user device of the covered  
6 platform. The Commission shall narrowly con-  
7 strue the term “proprietary data” for the pur-  
8 poses of this Act.

9 (10) BUSINESS USER.—The term “business  
10 user” means a person that utilizes or plans to utilize  
11 the covered platform for the sale or provision of  
12 products or services.

13 (11) INTEROPERABILITY INTERFACE.—The  
14 term “interoperability interface” means an electronic  
15 interface maintained by a covered platform for pur-  
16 poses of achieving interoperability.

17 (12) ONLINE PLATFORM.—The term “online  
18 platform” means a website, online or mobile applica-  
19 tion, operating system, digital assistant, or online  
20 service that—

21 (A) enables a user to generate content that  
22 can be viewed by other users on the platform or  
23 to interact with other content on the platform;

24 (B) facilitates the offering, sale, purchase,  
25 payment, or shipping of goods or services, in-

1 including software applications, between and  
2 among consumers or businesses not controlled  
3 by the platform; or

4 (C) enables user searches or queries that  
5 access or display a large volume of information.

6 **SEC. 6. IMPLEMENTATION.**

7 (a) COVERED PLATFORM DESIGNATION.—The Fed-  
8 eral Trade Commission or Department of Justice may des-  
9 ignate a covered platform for the purpose of implementing  
10 and enforcing this Act. Such designation shall—

11 (1) be based on a finding that the criteria set  
12 forth in paragraph (6) of section 5 are met;

13 (2) be issued in writing and published in the  
14 Federal Register; and

15 (3) will apply for 10 years from its issuance re-  
16 gardless of whether there is a change in control or  
17 ownership over the covered platform unless the Fed-  
18 eral Trade Commission or the Department of Jus-  
19 tice removes the designation pursuant to subsection  
20 (b).

21 (b) REMOVAL OF COVERED PLATFORM DESIGNA-  
22 TION.—The Commission or the Department of Justice  
23 shall—

24 (1) consider whether its designation of a cov-  
25 ered platform pursuant to subsection (a) should be

1 removed prior to the expiration of the 10-year period  
2 if the covered platform operator files a request with  
3 the Commission or the Department of Justice, which  
4 shows that the online platform is no longer a critical  
5 trading partner; and

6 (2) determine whether to grant a request sub-  
7 mitted under paragraph (1) not later than 120 days  
8 after the date of the filing of such request.

9 (c) RULEMAKING AND TECHNICAL STANDARDS.—

10 (1) After designating an online platform as a  
11 covered platform, the Commission shall issue stand-  
12 ards of interoperability specific to the covered plat-  
13 form. These standards shall implement the require-  
14 ments of sections 3 and 4 of this Act. In adopting  
15 the standards implementing the requirements of sec-  
16 tions 3 and 4, the Commission shall seek to encour-  
17 age entry by reducing or eliminating the network ef-  
18 fects that limit competition with the covered plat-  
19 form, ensure that competing businesses or a poten-  
20 tial competing business interconnects with the cov-  
21 ered platform on fair and nondiscriminatory terms,  
22 and protect data security and privacy.

23 (2) The Commission shall—

24 (A) establish a technical committee, as de-  
25 scribed in section 7 of this Act, to develop pro-

1           posed standards implementing the requirements  
2           of section 3 as they apply to a specific covered  
3           platform;

4           (B) issue such standards in accordance  
5           with section 553 of title 5, United States Code;  
6           and

7           (C) reject standards that have the purpose  
8           or effect of unreasonably denying access, under-  
9           mine interoperability, or are unduly disruptive  
10          to interoperability.

11         (d) COMPLIANCE ASSESSMENT.—The Commission  
12         shall regularly assess compliance by covered platforms  
13         with the provisions of this Act and may—

14           (1) undertake such investigation as appropriate  
15           to render this assessment;

16           (2) issue subpoenas and civil investigative de-  
17           mands for relevant information, including any infor-  
18           mation that is necessary to effectuate the goals of  
19           sections 3 and 4 this Act, and consult with other  
20           agencies as appropriate; and

21           (3) prescribe such other rules in accordance  
22           with section 553 of title 5, United States Code as  
23           may be necessary and appropriate to carry out sec-  
24           tions 3 and 4 of this Act.



1 (e) AGENCY COMPLAINTS.—The Commission shall  
2 establish procedures under which a user, covered platform,  
3 or a business user may file a complaint alleging a violation  
4 of this Act.

5 (f) RECIPROCALITY.—A business user shall not be  
6 under any obligation to adopt or comply with the require-  
7 ments of this Act or the rules adopted by the Commission  
8 under this Act unless it chooses to—

9 (1) initiate the secure transfer of data from a  
10 covered platform under section 3 of this Act; or

11 (2) access an interoperability interface of a cov-  
12 ered platform under section 4 of this Act.

13 **SEC. 7. TECHNICAL COMMITTEE.**

14 (a) ESTABLISHMENT.—

15 (1) Not later than 180 days following the enact-  
16 ment of this Act, the Commission shall establish a  
17 technical committee to assist the Commission with  
18 considerations relating to implementation and tech-  
19 nical aspects of the requirements under sections 3  
20 and 4 of this Act.

21 (2) The size of the committee and its member-  
22 ship is within the sole discretion of the Commission  
23 except as specified in subsection 7(b).

24 (b) COMPOSITION.—Each technical committee shall  
25 include—

1           (1) representatives of businesses that, in the  
2 judgement of the Commission, utilize or compete  
3 with the platform;

4           (2) representatives of competition or privacy ad-  
5 vocacy organizations, and independent academics  
6 that possess technical, legal, economic, financial, or  
7 other knowledge that the Commission may deem  
8 useful;

9           (3) a representative from the National Institute  
10 of Standards and Technology; and

11           (4) representatives of a covered platform,  
12 which, if required by Commission, shall provide a  
13 nonvoting advisory member to provide consultation  
14 and other aid to the technical committee. A failure  
15 by the covered platform to participate in good faith  
16 in the development of standards by the Technical  
17 Committee shall be a violation of this statute.

18       (c) GENERAL RESPONSIBILITIES.—Each technical  
19 committee established under this section shall meet regu-  
20 larly to provide information, analysis, and recommenda-  
21 tions to the Commission on the standards of portability  
22 and interoperability and any changes to those standards.  
23 These standards should—

24           (1) seek to reduce or eliminate network effects  
25 that limit competition with the covered platform;

1           (2) establish data security and privacy protec-  
2           tions for data portability and interoperability;

3           (3) prevent fraudulent, malicious, or abusive ac-  
4           tivity by a competing business or a potential com-  
5           peting business; and

6           (4) establish reasonable thresholds related to  
7           the frequency, nature, and volume of requests by a  
8           competing business or a potential competing busi-  
9           ness to access resources maintained by the covered  
10          platform, beyond which the covered platform may  
11          assess a reasonable fee for such access that shall be  
12          reasonably proportional to the cost, complexity, and  
13          risk to the covered platform of providing such ac-  
14          cess, and do not limit the ability or deter the incen-  
15          tive of a competing business or a potentially com-  
16          peting business to interoperate with the covered  
17          platform.

18          (d) **ROLE.**—The role of technical committees is advi-  
19          sory in nature, and such committees shall have no imple-  
20          mentation or enforcement authority. However, the Com-  
21          mission shall give strong consideration to the rec-  
22          ommendations of such committees in implementing this  
23          Act.

24          (e) **NONAPPLICABILITY OF THE FEDERAL ADVISORY**  
25          **COMMITTEE ACT.**—The Federal Advisory Committee Act

1 (5 U.S.C. App.) shall not apply with respect to the tech-  
2 nical committees.

3 **SEC. 8. JUDICIAL REVIEW.**

4 (a) IN GENERAL.—Any party that is subject to a cov-  
5 ered platform designation pursuant to section 6(a) of this  
6 Act, a final order issued in any district court, or a final  
7 order of the Commission issued in an administrative adju-  
8 dicative proceeding may within 30 days of the issuance  
9 of such order, petition for review of such order in the  
10 United States Court of Appeals for the District of Colum-  
11 bia Circuit.

12 (b) TREATMENT OF FINDINGS.—In a proceeding for  
13 judicial review of a covered platform designation pursuant  
14 to section 6(a) of this Act or a final order of the Commis-  
15 sion, the findings of the Commission as to the facts, if  
16 supported by evidence, shall be conclusive.

17 **SEC. 9. ENFORCEMENT.**

18 (a) COMMISSION LITIGATION AUTHORITY.—If the  
19 Commission has reason to believe that a covered platform  
20 violated this Act, the Commission may commence a civil  
21 action, in its own name by any of its attorneys designated  
22 by it for such purpose, to recover a civil penalty under  
23 this Act and seek other appropriate relief in a district  
24 court of the United States against the covered platform  
25 operator.

1 (b) EMERGENCY RELIEF.—

2 (1) The Commission may seek a temporary in-  
3 junction requiring the covered platform operator to  
4 take or stop taking any action for not more than  
5 120 days and the court shall grant such relief if the  
6 Commission proves—

7 (A) there is a plausible claim that a cov-  
8 ered platform operator took an action that  
9 could violate this Act; and

10 (B) that action impairs the ability of at  
11 least one company to compete with the covered  
12 platform.

13 (2) The emergency relief shall not last more  
14 than 120 days from the filing of the complaint.

15 (3) The court shall terminate the emergency re-  
16 lief at any time that the covered platform operator  
17 proves that the Commission has not taken reason-  
18 able steps to investigate whether a violation has oc-  
19 curred.

20 (4) Nothing in this subsection prevents or limits  
21 the Commission from seeking other equitable relief  
22 as provided in section 10 of this Act.

23 (c) STATUTE OF LIMITATIONS.—A proceeding for a  
24 violation of this Act may be commenced not later than  
25 6 years after such violation occurs.

1 **SEC. 10. REMEDIES.**

2 (a) CIVIL PENALTY.—The Commission may recover  
3 a civil penalty for a violation of this Act, which shall ac-  
4 crue to the United States, in an amount not more than  
5 the greater of—

6 (1) 15 percent of the total United States rev-  
7 enue of the person, partnership, or corporation for  
8 the previous calendar year; or

9 (2) 30 percent of the United States revenue of  
10 the person, partnership, or corporation in any line of  
11 business affected or targeted by the unlawful con-  
12 duct during the period of the unlawful conduct.

13 (b) REMEDIES IN ADDITION.—Remedies provided in  
14 this subsection are in addition to, and not in lieu of, any  
15 other remedy available to the Commission under Federal  
16 law.

17 (1) RESTITUTION; CONTRACT RESCISSION AND  
18 REFORMATION; REFUNDS; RETURN OF PROPERTY.—  
19 The Commission may seek, and a court may order,  
20 with respect to the violation that gives rise to the  
21 suit, restitution for losses, rescission or reformation  
22 of contracts, refund of money, or return of property.

23 (2) DISGORGEMENT.—The Commission may  
24 seek, and a court may order, disgorgement of any  
25 unjust enrichment that a covered platform obtained  
26 as a result of the violation that gives rise to the suit.

1           (3) INJUNCTION.—The Commission may seek,  
2           and the court may order, relief in equity as nec-  
3           essary to prevent, restrain, or prohibit violations of  
4           this Act.

5           (c) REPEAT OFFENDERS.—If the fact finder deter-  
6           mines that a covered platform has shown a pattern or  
7           practice of violating this Act, the court shall consider re-  
8           quiring that the Chief Executive Officer forfeit to the  
9           United States Treasury any compensation received by that  
10          person during the 12 months preceding or following the  
11          filing of a complaint alleging a violation of this Act.

12       **SEC. 11. RULE OF CONSTRUCTION.**

13          Nothing in this Act shall be construed to limit any  
14          authority of the Attorney General or the Federal Trade  
15          Commission under the antitrust laws, section 5 of the  
16          Federal Trade Commission Act (15 U.S.C. 45), or any  
17          other provision of law or to limit the application of any  
18          law.

19       **SEC. 12. SEVERABILITY.**

20          If any provision of this Act, an amendment made by  
21          this Act, or the application of such provision or amend-  
22          ment to any person or circumstance is held to be unconsti-  
23          tutional, the remainder of this Act and of the amendments  
24          made by this Act, and the application of the remaining

- 1 provisions of this Act and amendments to any person or
- 2 circumstance shall not be affected.

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