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

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2021

Mr. W HITEHOUSE (for himself, Mr. WYDEN, Mr. SCHUMER, Mr. VAN HOLLEN, Mr. LEAHY, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. DURBIN, Mr. REED, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. MENENDEZ, Mr. CARDIN, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Ms. KLOBUCHAR, Mr. TESTER, Mrs. SHAHEEN, Mr. WARNER, Mr. MERKLEY, Mr. BENNET, Mrs. GILLIBRAND, Mr. COONS, Mr. BLUMENTHAL, Mr. SCHATZ, Ms. B ALDWIN, Mr. MURPHY, Ms. HIRONO, Mr. HEINRICH, Mr. KING, Mr. K AINE, Ms. W ARREN, Mr. MARKEY, Mr. BOOKER, Mr. PETERS, Ms. DUCKWORTH, Ms. HASSAN, Ms. CORTEZ MAsto, Ms. SMITH, Ms. ROSEN, Mr. L UJÁN, Mr. HICKENLOOPER, Mr. PADILLA, Mr. O SOSOFF, and Mr. W ARNOCK) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

A BILL

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

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Democracy Is Strengthened by Casting Light On Spending in Elections Act of 2021” or the “DISCLOSE Act of 2021”.

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

Sec. 1. Short title; table of contents.

TITLE I—CLOSING LOOPHOLES ALLOWING SPENDING BY FOREIGN NATIONALS IN ELECTIONS

Sec. 101. Clarification of prohibition on participation by foreign nationals in election-related activities.
Sec. 102. Clarification of application of foreign money ban to certain disbursements and activities.
Sec. 103. Audit and report on illicit foreign money in Federal elections.
Sec. 104. Prohibition on contributions and donations by foreign nationals in connections with ballot initiatives and referenda.
Sec. 105. Disbursements and activities subject to foreign money ban.
Sec. 106. Prohibiting establishment of corporation to conceal election contributions and donations by foreign nationals.

TITLE II—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

Sec. 201. Reporting of campaign-related disbursements.
Sec. 202. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.
Sec. 203. Effective date.

TITLE III—STAND BY EVERY AD

Sec. 301. Short title.
Sec. 302. Stand By Every Ad.
Sec. 303. Disclaimer requirements for communications made through prerecorded telephone calls.
Sec. 304. No expansion of persons subject to disclaimer requirements on internet communications.
Sec. 305. Effective date.

TITLE IV—OTHER ADMINISTRATIVE REFORMS

Sec. 401. Petition for certiorari.
Sec. 402. Judicial review of actions related to campaign finance laws.

TITLE V—OTHER PROVISIONS

Sec. 501. Severability.
TITLE I—CLOSING LOOPHOLES
ALLOWING SPENDING BY
FOREIGN NATIONALS IN
ELECTIONS

SEC. 101. CLARIFICATION OF PROHIBITION ON PARTICIPA-
TION BY FOREIGN NATIONALS IN ELECTION-
RELATED ACTIVITIES.

(a) Clarification of Prohibition.—Section
319(a) of the Federal Election Campaign Act of 1971 (52
U.S.C. 30121(a)) is amended—

(1) by striking “or” at the end of paragraph
(1);

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

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

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

(b) Certification of Compliance.—Section 319 of such Act (52 U.S.C. 30121) is amended by adding at the end the following new subsection:

“(e) Certification of Compliance Required Prior to Carrying Out Activity.—Prior to the making in connection with an election for Federal office of any contribution, donation, expenditure, independent expenditure, or disbursement for an electioneering communication by a corporation, labor organization (as defined in section 316(b)), limited liability corporation, or partnership during a year, the chief executive officer of the corporation, labor organization, limited liability corporation, or partnership (or, if the corporation, labor organization, limited liability corporation, or partnership does not have a chief executive officer, the highest ranking official of the corporation, labor organization, limited liability corporation, or partnership), shall file a certification with the Commission, under penalty of perjury, that a foreign national did not direct, dictate, control, or directly or indirectly participate in the decision making process relating to such activity in violation of subsection (a)(3), unless the chief executive officer has previously filed such a certification during that calendar year.”.
(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the expiration of the 180-day period which begins on the date of the enactment of this Act, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

SEC. 102. CLARIFICATION OF APPLICATION OF FOREIGN MONEY BAN TO CERTAIN DISBURSEMENTS AND ACTIVITIES.

(a) APPLICATION TO DISBURSEMENTS TO SUPER PACS AND OTHER PERSONS.—Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and by moving such subparagraphs 2 ems to the right;

(2) by striking “As used in this section” and inserting the following: “DEFINITIONS.—For purposes of this section—

“(1) FOREIGN NATIONAL.—The term”; and

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

“(2) CONTRIBUTION AND DONATION.—For purposes of paragraphs (1) and (2) of subsection (a), the term ‘contribution or donation’ includes any dis-
bursement to a political committee which accepts do-
nations or contributions that do not comply with any
of the limitations, prohibitions, and reporting re-
quirements of this Act (or any disbursement to or on
behalf of any account of a political committee which
is established for the purpose of accepting such do-
nations or contributions), or to any other person for
the purpose of funding an expenditure, independent
expenditure, or electioneering communication (as de-

(b) Conditions Under Which Corporate PACs

May Make Contributions and Expenditures.—Sec-
tion 316(b) of such Act (52 U.S.C. 30118(b)) is amended
by adding at the end the following new paragraph:

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

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

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

“(C) The fund does not solicit or accept rec-
ommendations from any foreign national under sec-
tion 319 with respect to the contributions or expend-
itures made by the fund.

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

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

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

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

“(a) AUDIT.—

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

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

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

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

“(2) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among rural communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections;

“(3) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on depressing turnout among African-American and other minority communities and the success or failure of these efforts, together with recommendations to address these efforts in future elections;

“(4) an analysis of the extent to which illicit foreign money was used to carry out disinformation and propaganda campaigns focused on influencing military and veteran communities and the success or
failure of these efforts, together with recommenda-

tions to address these efforts in future elections; and

“(5) recommendations to address the presence
of illicit foreign money in elections, as appropriate.
“(c) DEFINITIONS.—As used in this section:

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

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

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to the Federal election cycle that began during November 2020, and each succeeding Federal election cycle.

SEC. 104. PROHIBITION ON CONTRIBUTIONS AND DONA-
TIONS BY FOREIGN NATIONALS IN CONNec-
TIONS WITH BALLOT INITIATIVES AND REFERENDA.

(a) IN GENERAL.—Section 319(b) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(b)), as
amended by section 102(a), is amended by adding at the end the following new paragraph:

“(3) Federal, State, or local election.—The term ‘Federal, State, or local election’ includes a State or local ballot initiative or referendum.”.

(b) Effective Date.—The amendment made by this section shall apply with respect to elections held in 2022 or any succeeding year.

SEC. 105. DISBURSEMENTS AND ACTIVITIES SUBJECT TO FOREIGN MONEY BAN.

(a) Disbursements Described.—Section 319(a)(1) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121(a)(1)) is amended—

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

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

“(C) an expenditure;

“(D) an independent expenditure;

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

“(F) a disbursement for a communication which is placed or promoted for a fee on a website, web application, or digital application
that refers to a clearly identified candidate for
election for Federal office and is disseminated
within 60 days before a general, special or run-
off election for the office sought by the can-
didate or 30 days before a primary or pref-
ereference election, or a convention or caucus of a
political party that has authority to nominate a
candidate for the office sought by the can-
didate;

“(G) a disbursement for a broadcast, cable
or satellite communication, or for a communi-
cation which is placed or promoted for a fee on
a website, web application, or digital applica-
tion, that promotes, supports, attacks or op-
poses the election of a clearly identified can-
didate for Federal, State, or local office (re-
gardless of whether the communication contains
express advocacy or the functional equivalent of
express advocacy);

“(H) a disbursement for a broadcast, cable, or satellite communication, or for any
communication which is placed or promoted for
a fee on an online platform, that discusses a
national legislative issue of public importance in
a year in which a regularly scheduled general
election for Federal office is held, but only if
the disbursement is made by a foreign principal
who is a government of a foreign country or a
foreign political party or an agent of such a for-
eign principal under the Foreign Agents Reg-
istration Act of 1938, as amended;

“(I) a disbursement by a foreign principal
who is a government of a foreign country or a
foreign political party, or an agent of such a
foreign principal under the Foreign Agents
Registration Act of 1938, as amended, to com-
pensate any person for internet activity that
promotes, supports, attacks or opposes the elec-
tion of a clearly identified candidate for Fed-
eral, State, or local office (regardless of whether
the activity contains express advocacy or the
functional equivalent of express advocacy); and

“(J) a disbursement for a Federal judicial
nomination communication (as defined in sec-
tion 324(d)(3)).”.

(b) ONLINE PLATFORM.—Section 319(b) of such Act
(51 U.S.C. 30121(b)), as amended by sections 102(a) and
104, is amended by adding at the end the following new
paragraph:

“(4) ONLINE PLATFORM.—
“(A) IN GENERAL.—The term ‘online platform’ means any public-facing website, web application, or digital application (including a social network, ad network, or search engine) which—

“(i) sells qualified political advertisements; and

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

“(B) QUALIFIED POLITICAL ADVERTISEMENT.—The term ‘qualified political advertisement’ means any advertisement (including search engine marketing, display advertisements, video advertisements, native advertisements, and sponsorships) that—

“(i) is made by or on behalf of a candidate; or

“(ii) communicates a message relating to any political matter of national importance, including—

“(I) a candidate;

“(II) any election to Federal office; or
“(III) a national legislative issue of public importance.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to disbursements made on or after the date of the enactment of this Act.

SEC. 106. PROHIBITING ESTABLISHMENT OF CORPORATION TO CONCEAL ELECTION CONTRIBUTIONS AND DONATIONS BY FOREIGN NATIONALS.

(a) PROHIBITION.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following:

“§ 612. Establishment of corporation to conceal election contributions and donations by foreign nationals

“(a) OFFENSE.—It shall be unlawful for an owner, officer, attorney, or incorporation agent of a corporation, company, or other entity to establish or use the corporation, company, or other entity with the intent to conceal an activity of a foreign national (as defined in section 319 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30121)) prohibited under such section 319.

“(b) PENALTY.—Any person who violates subsection (a) shall be imprisoned for not more than 5 years, fined under this title, or both.”.
(b) Table of Sections.—The table of sections for chapter 29 of title 18, United States Code, is amended by inserting after the item relating to section 611 the following:

“612. Establishment of corporation to conceal election contributions and donations by foreign nationals.”

TITLE II—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

SEC. 201. REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS.

(a) Disclosure Requirements for Corporations, Labor Organizations, and Certain Other Entities.—

(1) In general.—Section 324 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30126) is amended to read as follows:

“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSEMENTS BY COVERED ORGANIZATIONS.

“(a) Disclosure Statement.—

“(1) In general.—Any covered organization that makes campaign-related disbursements aggregating more than $10,000 in an election reporting cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission
made under penalty of perjury that contains the in-
formation described in paragraph (2)—

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

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

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

“(A) The name of the covered organization
and the principal place of business of such or-
ganization and, in the case of a covered organi-
zation that is a corporation (other than a busi-
ness concern that is an issuer of a class of secu-
rities registered under section 12 of the Securi-
ties Exchange Act of 1934 (15 U.S.C. 78l) or
that is required to file reports under section
15(d) of that Act (15 U.S.C. 78o(d))) or an en-
tity described in subsection (e)(2), a list of the
beneficial owners (as defined in paragraph (4)(A)) of the entity that—

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

“(ii) if any beneficial owner exercises control over the entity through another legal entity, such as a corporation, partnership, limited liability company, or trust, identifies each such other legal entity and each such beneficial owner who will use that other entity to exercise control over the entity.

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

“(C) In the case of a campaign-related disbursement that is not a covered transfer, the election to which the campaign-related disbursement pertains and if the disbursement is made for a public communication, the name of any candidate identified in such communication and
whether such communication is in support of or in opposition to a candidate.

“(D) A certification by the chief executive officer or person who is the head of the covered organization that the campaign-related disbursement is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate, authorized committee, or agent of a candidate, political party, or agent of a political party.

“(E)(i) If the covered organization makes campaign-related disbursements using exclusively funds in a segregated bank account consisting of funds that were paid directly to such account by persons other than the covered organization that controls the account, for each such payment to the account—

“(I) the name and address of each person who made such payment during the period covered by the statement;

“(II) the date and amount of such payment; and

“(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the
election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,
but only if such payment was made by a person who made payments to the account in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

“(ii) In any calendar year after 2022, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for purposes of applying such section to the amounts described in subsection (b), the ‘base period’ shall be calendar year 2022.

“(F)(i) If the covered organization makes campaign-related disbursements using funds other than funds in a segregated bank account described in subparagraph (E), for each payment to the covered organization—
“(I) the name and address of each person who made such payment during the period covered by the statement;

“(II) the date and amount of such payment; and

“(III) the aggregate amount of all such payments made by the person during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date,

but only if such payment was made by a person who made payments to the covered organization in an aggregate amount of $10,000 or more during the period beginning on the first day of the election reporting cycle (or, if earlier, the period beginning one year before the disclosure date) and ending on the disclosure date.

“(ii) In any calendar year after 2022, section 315(c)(1)(B) shall apply to the amount described in clause (i) in the same manner as such section applies to the limitations established under subsections (a)(1)(A), (a)(1)(B), (a)(3), and (h) of such section, except that for
purposes of applying such section to the
amounts described in subsection (b), the ‘base
period’ shall be calendar year 2022.

“(G) Such other information as required in
rules established by the Commission to promote
the purposes of this section.

“(3) EXCEPTIONS.—

“(A) AMOUNTS RECEIVED IN ORDINARY
COURSE OF BUSINESS.—The requirement to in-
clude in a statement filed under paragraph (1)
the information described in paragraph (2)
shall not apply to amounts received by the cov-
ered organization in commercial transactions in
the ordinary course of any trade or business
conducted by the covered organization or in the
form of investments (other than investments by
the principal shareholder in a limited liability
corporation) in the covered organization. For
purposes of this subparagraph, amounts re-
ceived by a covered organization as remittances
from an employee to the employee’s collective
bargaining representative shall be treated as
amounts received in commercial transactions in
the ordinary course of the business conducted
by the covered organization.
“(B) DONOR RESTRICTION ON USE OF FUNDS.—The requirement to include in a statement submitted under paragraph (1) the information described in subparagraph (F) of paragraph (2) shall not apply if—

“(i) the person described in such subparagraph prohibited, in writing, the use of the payment made by such person for campaign-related disbursements; and

“(ii) the covered organization agreed to follow the prohibition and deposited the payment in an account which is segregated from any account used to make campaign-related disbursements.

“(C) THREAT OF HARASSMENT OR REPRISAL.—The requirement to include any information relating to the name or address of any person (other than a candidate) in a statement submitted under paragraph (1) shall not apply if the inclusion of the information would subject the person to serious threats, harassment, or reprisals.

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

“(A) BENEFICIAL OWNER DEFINED.—
“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘beneficial owner’ means, with respect to any entity, a natural person who, directly or indirectly—

“(I) exercises substantial control over an entity through ownership, voting rights, agreement, or otherwise; or

“(II) has a substantial interest in or receives substantial economic benefits from the assets of an entity.

“(ii) EXCEPTIONS.—The term ‘beneficial owner’ shall not include—

“(I) a minor child;

“(II) a person acting as a nominee, intermediary, custodian, or agent on behalf of another person;

“(III) a person acting solely as an employee of an entity and whose control over or economic benefits from the entity derives solely from the employment status of the person;

“(IV) a person whose only interest in an entity is through a right of inheritance, unless the person also
meets the requirements of clause (i);

or

“(V) a creditor of an entity, unless the creditor also meets the requirements of clause (i).

“(iii) ANTI-ABUSE RULE.—The exceptions under clause (ii) shall not apply if used for the purpose of evading, circumventing, or abusing the provisions of clause (i) or paragraph (2)(A).

“(B) DISCLOSURE DATE.—The term ‘disclosure date’ means—

“(i) the first date during any election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000; and

“(ii) any other date during such election reporting cycle by which a person has made campaign-related disbursements aggregating more than $10,000 since the most recent disclosure date for such election reporting cycle.

“(C) ELECTION REPORTING CYCLE.—The term ‘election reporting cycle’ means the 2-year period beginning on the date of the most recent
general election for Federal office, except that
in the case of a campaign-related disbursement
for a Federal judicial nomination communica-
tion, such term means any calendar year in
which the campaign-related disbursement is
made.

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

“(b) COORDINATION WITH OTHER PROVISIONS.—

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

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

“(c) FILING.—Statements required to be filed under
subsection (a) shall be subject to the requirements of sec-
tion 304(d) to the same extent and in the same manner
as if such reports had been required under subsection (e)
or (g) of section 304.
“(d) Campaign-Related Disbursement Defined.—

“(1) In general.—In this section, the term ‘campaign-related disbursement’ means a disbursement by a covered organization for any of the following:

“(A) An independent expenditure which expressly advocates the election or defeat of a clearly identified candidate for election for Federal office, or is the functional equivalent of express advocacy because, when taken as a whole, it can be interpreted by a reasonable person only as advocating the election or defeat of a candidate for election for Federal office.

“(B) An applicable public communication.

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

“(D) A Federal judicial nomination communication.

“(E) A covered transfer.

“(2) Applicable Public Communications.—

“(A) In general.—The term ‘applicable public communication’ means any public communication that refers to a clearly identified candidate for election for Federal office and
which promotes or supports the election of a candidate for that office, or attacks or opposes the election of a candidate for that office, without regard to whether the communication expressly advocates a vote for or against a candidate for that office.

“(B) Exception.—Such term shall not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, publication, or periodical, unless such facilities are owned or controlled by any political party, political committee, or candidate.

“(3) Federal Judicial Nomination Communication.—

“(A) In General.—The term ‘Federal judicial nomination communication’ means any communication—

“(i) that is by means of any paid broadcast, cable, or satellite, paid internet, or paid digital communication, paid promotion, newspaper, magazine, outdoor advertising facility, mass mailing, telephone bank, telephone messaging effort of more
than 500 substantially similar calls or electronic messages within a 30-day period, or any other form of general public political advertising; and

“(ii) that is susceptible to no reasonable interpretation other than promoting, supporting, attacking, or opposing the nomination or Senate confirmation of an individual as a Federal judge or justice.

“(B) EXCEPTION.—Such term shall not include any news story, commentary, or editorial distributed through the facilities of any broadcasting station or any print, online, or digital newspaper, magazine, publication, or periodical, unless such facilities are owned or controlled by any political party, political committee, or candidate.

“(4) INTENT NOT REQUIRED.—A disbursement for an item described in subparagraph (A), (B), (C), (D), or (E) of paragraph (1) shall be treated as a campaign-related disbursement regardless of the intent of the person making the disbursement.

“(e) COVERED ORGANIZATION DEFINED.—In this section, the term ‘covered organization’ means any of the following:
“(1) A corporation (other than an organization described in section 501(e)(3) of the Internal Revenue Code of 1986).

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

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

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

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

“(6) A political committee with an account that accepts donations or contributions that do not comply with the contribution limits or source prohibitions under this Act, but only with respect to such accounts.

“(f) COVERED TRANSFER DEFINED.—
“(1) IN GENERAL.—In this section, the term ‘covered transfer’ means any transfer or payment of funds by a covered organization to another person if the covered organization—

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

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

“(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

“(B) made such transfer or payment in response to a solicitation or other request for a donation or payment for—

“(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

“(ii) making a transfer to another person for the purpose of making or paying for such campaign-related disbursements;

“(C) engaged in discussions with the recipient of the transfer or payment regarding—
“(i) the making of or paying for campaign-related disbursements (other than covered transfers); or

“(ii) donating or transferring any amount of such transfer or payment to another person for the purpose of making or paying for such campaign-related disbursements;

“(D) made campaign-related disbursements (other than a covered transfer) in an aggregate amount of $50,000 or more during the 2-year period ending on the date of the transfer or payment, or knew or had reason to know that the person receiving the transfer or payment made such disbursements in such an aggregate amount during that 2-year period; or

“(E) knew or had reason to know that the person receiving the transfer or payment would make campaign-related disbursements in an aggregate amount of $50,000 or more during the 2-year period beginning on the date of the transfer or payment.

“(2) EXCLUSIONS.—The term ‘covered transfer’ does not include any of the following:
“(A) A disbursement made by a covered organization in a commercial transaction in the ordinary course of any trade or business conducted by the covered organization or in the form of investments made by the covered organization.

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

“(i) the covered organization prohibited, in writing, the use of such disbursement for campaign-related disbursements;

and

“(ii) the recipient of the disbursement agreed to follow the prohibition and deposited the disbursement in an account which is segregated from any account used to make campaign-related disbursements.

“(3) Special rule regarding transfers among affiliates.—

“(A) Special rule.—A transfer of an amount by one covered organization to another covered organization which is treated as a transfer between affiliates under subparagraph (C) shall be considered a covered transfer by the covered organization which transfers the
amount only if the aggregate amount transferred during the year by such covered organization to that same covered organization is equal to or greater than $50,000.

“(B) Determination of Amount of Certain Payments Among Affiliates.—In determining the amount of a transfer between affiliates for purposes of subparagraph (A), to the extent that the transfer consists of funds attributable to dues, fees, or assessments which are paid by individuals on a regular, periodic basis in accordance with a per-individual calculation which is made on a regular basis, the transfer shall be attributed to the individuals paying the dues, fees, or assessments and shall not be attributed to the covered organization.

“(C) Description of Transfers Between Affiliates.—A transfer of amounts from one covered organization to another covered organization shall be treated as a transfer between affiliates if—

“(i) one of the organizations is an affiliate of the other organization; or

“(ii) each of the organizations is an affiliate of the same organization,
except that the transfer shall not be treated as
a transfer between affiliates if one of the orga-
nizations is established for the purpose of mak-
ing campaign-related disbursements.

“(D) Determination of Affiliate Status.—For purposes of subparagraph (C), a
covered organization is an affiliate of another
covered organization if—

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

“(ii) the governing board of the orga-
nization includes persons who are specifi-
cally designated representatives of the
other organization or are members of the
governing board, officers, or paid executive
staff members of the other organization, or
whose service on the governing board is
contingent upon the approval of the other
organization; or

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

“(E) Coverage of Transfers to Af-
filiated Section 501(c)(3) Organiza-
tions.—This paragraph shall apply with re-
spect to an amount transferred by a covered or-

ganization to an organization described in para-

graph (3) of section 501(c) of the Internal Rev-

ue Code of 1986 and exempt from tax under

section 501(a) of such Code in the same man-

ner as this paragraph applies to an amount

transferred by a covered organization to an-

other covered organization.

“(g) NO EFFECT ON OTHER REPORTING REQUIRE-

MENTS.—Nothing in this section shall be construed to

waive or otherwise affect any other requirement of this

Act which relates to the reporting of campaign-related dis-
bursements.”.

(2) CONFORMING AMENDMENT.—Section

304(f)(6) of such Act (52 U.S.C. 30104) is amended

by striking “Any requirement” and inserting “Ex-
cept as provided in section 324(b), any require-
ment”.

(b) COORDINATION WITH FINCEN.—

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

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

SEC. 202. APPLICATION OF FOREIGN MONEY BAN TO DIS-
BURSEMENTS FOR CAMPAIGN-RELATED DIS-
BURSEMENTS CONSISTING OF COVERED
TRANSFERS.

Section 319(b)(2) of the Federal Election Campaign
Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by
section 102, is amended—

(1) by striking “includes any disbursement”
and inserting “includes—
“(A) any disbursement”;
(2) by striking the period at the end and insert-
ing “; and”, and
(3) by adding at the end the following new sub-
paragraph:
“(B) any disbursement, other than a disbursement described in section 324(a)(3)(A), to another person who made a campaign-related disbursement consisting of a covered transfer (as described in section 324) during the 2-year period ending on the date of the disbursement.”.

**SEC. 203. EFFECTIVE DATE.**

The amendments made by this title shall apply with respect to disbursements made on or after January 1, 2022, and shall take effect without regard to whether or not the Federal Election Commission has promulgated regulations to carry out such amendments.

**TITLE III—STAND BY EVERY AD**

**SEC. 301. SHORT TITLE.**

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

**SEC. 302. STAND BY EVERY AD.**

(a) Expanded Disclaimer Requirements for Certain Communications.—Section 318 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120) is amended by adding at the end the following new subsection:
“(e) Expanded Disclaimer Requirements for Communications Not Authorized by Candidates or Committees.—

“(1) In general.—Except as provided in paragraph (6), any communication described in paragraph (3) of subsection (a) which is transmitted in an audio or video format (including an internet or digital communication), or which is an internet or digital communication transmitted in a text or graphic format, shall include, in addition to the requirements of paragraph (3) of subsection (a), the following:

“(A) The individual disclosure statement described in paragraph (2)(A) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (2)(B) (if the person paying for the communication is not an individual).

“(B) If the communication is transmitted in a video format, or is an internet or digital communication which is transmitted in a text or graphic format, and is paid for in whole or in part with a payment which is treated as a campaign-related disbursement under section 324—
“(i) the Top Five Funders list (if applicable); or

“(ii) in the case of a communication which, as determined on the basis of criteria established in regulations issued by the Commission, is of such short duration that including the Top Five Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Five Funders list, the name of a website which contains the Top Five Funders list (if applicable) or, in the case of an internet or digital communication, a hyperlink to such website.

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

“(i) the Top Two Funders list (if applicable); or
“(ii) in the case of a communication which, as determined on the basis of criteria established in regulations issued by the Commission, is of such short duration that including the Top Two Funders list in the communication would constitute a hardship to the person paying for the communication by requiring a disproportionate amount of the content of the communication to consist of the Top Two Funders list, the name of a website which contains the Top Two Funders list (if applicable).

“(2) Disclosure statements described.—

“(A) Individual disclosure statements.—The individual disclosure statement described in this subparagraph is the following: ‘I am _____________, and I approve this message.’, with the blank filled in with the name of the applicable individual.

“(B) Organizational disclosure statements.—The organizational disclosure statement described in this subparagraph is the following: ‘I am _____________, the _____________ of _____________, and
• (i) the first blank to be filled in with the name of the applicable individual;

• (ii) the second blank to be filled in with the title of the applicable individual;

and

• (iii) the third and fourth blank each to be filled in with the name of the organization or other person paying for the communication.

“(3) METHOD OF CONVEYANCE OF STATEMENT.—

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

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

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

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

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

“(4) APPLICABLE INDIVIDUAL DEFINED.—The
term ‘applicable individual’ means, with respect to a
communication to which this subsection applies—
“(A) if the communication is paid for by an individual, the individual involved;

“(B) if the communication is paid for by a corporation, the chief executive officer of the corporation (or, if the corporation does not have a chief executive officer, the highest ranking official of the corporation);

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

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

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

“(A) Top Five Funders list.—The term ‘Top Five Funders list’ means, with respect to a communication which is paid for in whole or in part with a campaign-related disbursement (as defined in section 324), a list of the five persons who, during the 12-month period ending on the date of the disbursement, provided the largest payments of any type in an aggregate amount equal to or exceeding $10,000 to the person who is paying for the communication
and the amount of the payments each such person provided. If two or more people provided the fifth largest of such payments, the person paying for the communication shall select one of those persons to be included on the Top Five Funders list.

“(B) Top Two Funders List.—The term ‘Top Two Funders list’ means, with respect to a communication which is paid for in whole or in part with a campaign-related disbursement (as defined in section 324), a list of the persons who, during the 12-month period ending on the date of the disbursement, provided the largest and the second largest payments of any type in an aggregate amount equal to or exceeding $10,000 to the person who is paying for the communication and the amount of the payments each such person provided. If two or more persons provided the second largest of such payments, the person paying for the communication shall select one of those persons to be included on the Top Two Funders list.

“(C) Exclusion of Certain Payments.—For purposes of subparagraphs (A) and (B), in determining the amount of pay-
ments made by a person to a person paying for
a communication, there shall be excluded the
following:

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

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

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

“(A) EXCEPTION FOR COMMUNICATIONS
PAID FOR BY POLITICAL PARTIES AND CERTAIN
POLITICAL COMMITTEES.—This subsection does
not apply to any communication to which sub-
section (d)(2) applies.
“(B) TREATMENT OF VIDEO COMMUNICATIONS LASTING 10 SECONDS OR LESS.—In the case of a communication to which this subsection applies which is transmitted in a video format, or is an internet or digital communication which is transmitted in a text or graphic format, the communication shall meet the following requirements:

“(i) The communication shall include the individual disclosure statement described in paragraph (2)(A) (if the person paying for the communication is an individual) or the organizational disclosure statement described in paragraph (2)(B) (if the person paying for the communication is not an individual).

“(ii) The statement described in clause (i) shall appear in writing at the end of the communication, or in a crawl along the bottom of the communication, in a clear and conspicuous manner, with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.
“(iii) The communication shall include, in a clear and conspicuous manner, a website address with a landing page which will provide all of the information described in paragraph (1) with respect to the communication. Such address shall appear for the full duration of the communication.

“(iv) To the extent that the format in which the communication is made permits the use of a hyperlink, the communication shall include a hyperlink to the website address described in clause (iii).”.

(b) Application of Expanded Requirements to Public Communications Consisting of Campaign-Related Disbursements.—

(1) In general.—Section 318(a) of such Act (52 U.S.C. 30120(a)) is amended by striking “for the purpose of financing communications expressly advocating the election or defeat of a clearly identified candidate” and inserting “for a campaign-related disbursement, as defined in section 324, consisting of a public communication”.

(2) Clarification of exemption from inclusion of candidate disclaimer statement in
FEDERAL JUDICIAL NOMINATION COMMUNICATIONS.—Section 318(a)(3) of such Act (52 U.S.C. 30120(a)(3)) is amended by striking “shall state” and inserting “shall (except in the case of a Federal judicial nomination communication, as defined in section 324(d)(3)) state”.

(c) Exception for Communications Paid for by Political Parties and Certain Political Committees.—Section 318(d)(2) of such Act (52 U.S.C. 30120(d)(2)) is amended—

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

(2) by striking “Any communication” and inserting “(A) Any communication”;

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

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

(5) by adding at the end the following new subparagraph:

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

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

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

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

(d) MODIFICATION OF ADDITIONAL REQUIREMENTS
FOR CERTAIN COMMUNICATIONS.—Section 318(d) of the
Federal Election Campaign Act of 1971 (52 U.S.C. 30120(d)) is amended—

(1) in paragraph (1)(A)—

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

(B) by striking “By radio” in the heading and inserting “Audio format”; and

(2) in paragraph (1)(B)—

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

(B) by striking “By television” in the heading and inserting “Video format”; and

(3) in paragraph (2)—

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

(B) by striking “through television” in the second sentence and inserting “in video format”.

SEC. 303. DISCLAIMER REQUIREMENTS FOR COMMUNICATIONS MADE THROUGH PRERECORDED TELEPHONE CALLS.

(a) Application of Requirements.—
(1) IN GENERAL.—Section 318(a) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30120(a)) is amended by striking “mailing” each place it appears and inserting “mailing, telephone call consisting in substantial part of a prerecorded audio message”.

(2) APPLICATION TO COMMUNICATIONS SUBJECT TO EXPANDED DISCLAIMER REQUIREMENTS.—Section 318(e)(1) of such Act (52 U.S.C. 30120(e)(1)), as added by section 302(a), is amended in the matter preceding subparagraph (A) by striking “which is transmitted in an audio or video format” and inserting “which is transmitted in an audio or video format or which consists of a telephone call consisting in substantial part of a prerecorded audio message”.

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

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

“(3) PRERECORDED TELEPHONE CALLS.—Any communication described in paragraph (1), (2), or (3) of subsection (a) (other than a communication
which is subject to subsection (e)) which is a telephone call consisting in substantial part of a prerecorded audio message shall include, in addition to the requirements of such paragraph, the audio statement required under subparagraph (A) of paragraph (1) or the audio statement required under paragraph (2) (whichever is applicable), except that the statement shall be made at the beginning of the telephone call.”.

(2) COMMUNICATIONS SUBJECT TO EXPANDED DISCLAIMER REQUIREMENTS.—Section 318(e)(3) of such Act (52 U.S.C. 30120(e)(3)), as added by section 302(a), is amended by adding at the end the following new subparagraph:

“(D) PRERECORDED TELEPHONE CALLS.—In the case of a communication to which this subsection applies which is a telephone call consisting in substantial part of a prerecorded audio message, the communication shall be considered to be transmitted in an audio format.”.
SEC. 304. NO EXPANSION OF PERSONS SUBJECT TO DISCLAIMER REQUIREMENTS ON INTERNET COMMUNICATIONS.

Nothing in this title or the amendments made by this title may be construed to require any person who is not required under section 318 of the Federal Election Campaign Act of 1971 to include a disclaimer on communications made by the person through the internet to include any disclaimer on any such communications.

SEC. 305. EFFECTIVE DATE.

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

TITLE IV—OTHER ADMINISTRATIVE REFORMS

SEC. 401. PETITION FOR CERTIORARI.

Section 307(a)(6) of the Federal Election Campaign Act of 1971 (52 U.S.C. 30107(a)(6)) is amended by inserting “(including a proceeding before the Supreme Court on certiorari)” after “appeal”.

SEC. 402. JUDICIAL REVIEW OF ACTIONS RELATED TO CAMPAIGN FINANCE LAWS.

(a) IN GENERAL.—Title IV of the Federal Election Campaign Act of 1971 (52 U.S.C. 30141 et seq.) is
amended by inserting after section 406 the following new section:

"SEC. 407. JUDICIAL REVIEW."

“(a) IN GENERAL.—Notwithstanding section 310, if any action is brought for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality of any provision of this Act or of chapter 95 or 96 of the Internal Revenue Code of 1986, or is brought to with respect to any action of the Commission under chapter 95 or 96 of the Internal Revenue Code of 1986, the following rules shall apply:

“(1) The action shall be filed in the United States District Court for the District of Columbia and an appeal from the decision of the district court may be taken to the Court of Appeals for the District of Columbia Circuit.

“(2) In the case of an action relating to declaratory or injunctive relief to challenge the constitutionality of a provision, the party filing the action shall concurrently deliver a copy of the complaint to the Clerk of the House of Representatives and the Secretary of the Senate.

“(3) It shall be the duty of the United States District Court for the District of Columbia, the Court of Appeals for the District of Columbia Cir-
cuit, and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of the action and appeal.

“(b) INTERVENTION BY MEMBERS OF CONGRESS.—In any action described in subsection (a) relating to declaratory or injunctive relief to challenge the constitutionality of a provision, any Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or Senate shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the constitutionality of the provision. To avoid duplication of efforts and reduce the burdens placed on the parties to the action, the court in any such action may make such orders as it considers necessary, including orders to require interveners taking similar positions to file joint papers or to be represented by a single attorney at oral argument.

“(c) CHALLENGE BY MEMBERS OF CONGRESS.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge, whether facially or as-applied, the constitutionality of any provision of this Act or chapter 95 or 96 of the Internal Revenue Code of 1986.”.

(b) CONFORMING AMENDMENTS.—
(1) Section 9011 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 9011. JUDICIAL REVIEW.

“For provisions relating to judicial review of certifications, determinations, and actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.”.

(2) Section 9041 of the Internal Revenue Code of 1986 is amended to read as follows:

“SEC. 9041. JUDICIAL REVIEW.

“For provisions relating to judicial review of actions by the Commission under this chapter, see section 407 of the Federal Election Campaign Act of 1971.”.

(3) Section 403 of the Bipartisan Campaign Reform Act of 2002 (52 U.S.C. 30110 note) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions brought on or after January 1, 2021.

**TITLE V—OTHER PROVISIONS**

**SEC. 501. SEVERABILITY.**

If any provision of this Act or amendment made by this Act, or the application of a provision or amendment to any person or circumstance, is held to be unconstitutional, the remainder of this Act and amendments made
by this Act, and the application of the provisions and amendment to any person or circumstance, shall not be affected by the holding.