

**MARKUP OF H.R. 1606,  
ONLINE FREEDOM OF SPEECH ACT**

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**MARKUP**  
BEFORE THE  
**COMMITTEE ON HOUSE  
ADMINISTRATION**  
**HOUSE OF REPRESENTATIVES**  
**ONE HUNDRED NINTH CONGRESS**  
**SECOND SESSION**

HEARING HELD IN WASHINGTON, DC MARCH 9, 2006

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## MARKUP OF H.R. 1606, ONLINE FREEDOM OF SPEECH ACT

THURSDAY, MARCH 9, 2006

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOUSE ADMINISTRATION,  
*Washington, DC.*

The committee met, pursuant to call, at 10:05 a.m., in room 1310, Longworth House Office Building, Hon. Vernon J. Ehlers (chairman of the committee) presiding.

Present: Representatives Ehlers, Mica, Reynolds, Miller, Millender-McDonald, Brady and Lofgren.

Staff Present: Jeff Janas, Professional Staff Member; Paul Vinovich, Staff Director; Audrey Perry, Counsel; Tom Hicks, Minority Professional Staff Member; George F. Shevlin, Minority Staff Director; Janelle Hu; Denise Mixon; David Thomas, Chief of Staff for Ms. Lofgren; and Teri Morgan, Legislative Director for Mr. Brady.

The CHAIRMAN. Good morning. The committee is now in order for the purpose of consideration of H.R. 1606, the Online Freedom of Speech Act of 2005.

I am pleased to welcome the audience and those interested parties who are present. I have also been told that there is a live blogger present. I think this may be only the first or second time that a committee hearing has been blogged. I can't imagine anyone finding that interesting reading, but so be it. I was told there was a live blogger, and my immediate response was that is certainly a lot better than a dead blogger. So we welcome, all of you, whether alive or blogging or not.

The bill that is before us exempts communications made over the Internet from the definition of a public communication in the Bipartisan Campaign Reform Act, better known as BCRA. It would allow bloggers and other online activists to express their views on the Internet without fear of running afoul of our campaign finance laws.

I would like to start with a little background on the subject of the regulation of online politics and this bill so that those listening know where we are in the process and what is at stake.

After BCRA passed in 2002, the Federal Elections Commission was required to develop regulations to implement the act. The Commission determined that Congress did not intend for BCRA to cover Internet communications, and I think they concluded that rightfully. And, therefore, they adopted regulations that exempted Internet communications.

Two of our colleagues, the authors of the BCRA bill, Congressman Shays and Congressman Meehan, felt the FEC regulations did not follow the intent of BCRA, so they sued the Commission over this and several other rules. They won that suit so the Federal Elections Commission was required by court order to rewrite the rules.

A new rule to cover the Internet began in March of last year, in 2005, and the FEC is scheduled to vote on these new rules this coming Thursday, March 16th. Unless Congress acts quickly to prevent it, the FEC will be required by court order to issue a new regulation to cover Internet communications.

On September 22, 2005, this Committee held a hearing on the regulation of political speech on the Internet. At the hearing, Committee Members heard testimony from bloggers, FEC Commissioners, and election law experts. Both the liberal and conservative bloggers have expressed their support for exempting the Internet from FEC regulation.

On November 2, 2005, H.R. 1606 was placed on the suspension calendar and voted upon. Although the majority of the Members of Congress voted for H.R. 1606, the vote was 225 to 182, it failed to garner the two-thirds of the votes necessary to pass under the suspension. Therefore, it is up to us to revisit the subject to give the Congress one more opportunity to express its will on this issue.

By reporting this legislation and scheduling it for normal floor consideration, we are giving Members one more chance to prevent the FEC from regulating the Internet. Those who favor regulation, the so-called reform community, believe that Internet speech must be regulated in the same manner as all other speech, lest we create a loophole that will allow people to evade BCRA. They are not deterred by the fact that none of the grim scenarios they predict will ensue have been seen in the past four years, four years in which the rule H.R. 1606 would make permanent have been in effect.

While there has been no evidence of corruption resulting from the Internet exemption, there has been ample evidence of the positive effects of a deregulated Internet. There was 42 percent growth from 2000 to 2004 in the number of people using the Internet to research candidates, issues and positions. About 44 percent of on-line political activists have not been politically involved in the past in typical ways. They have not previously worked for a campaign, made a campaign donation or attended a campaign event. Technorati, a popular blog search engine, is now tracking 19.8 million blogs, and reports that every 5 months the number of blogs on the Internet doubles. At that rate it will surpass world population.

We don't want bloggers to have to check with a Federal agency before they go online. They should not have to read FEC advisory opinions or hire Federal election lawyers to make sure that what they are doing is legal. They should be able to express their views on politics and politicians without having to worry about running afoul of our Federal election laws.

The Internet has had a positive influence on our politics and engaged thousands of people as ever before. It has allowed individuals of limited means to become involved in the political process because, unlike other forms of media such as television and radio, there are few barriers to entry. The Internet allows for communica-

tion with millions of people for little or no cost. Imposing regulations would stifle this activity.

Passing H.R. 1606 would ensure the Internet can continue to grow and continue to be a free and positive force in our political system.

Let me just give a little down home flavor to this. To me, blogging is in a sense no different than people talking to your children on the telephone or sending e-mails to each other. It is a means of communication among people. And just as we do not regulate political conversations that take place between people or between people and other groups, I think it is appropriate that we free the Internet for the bloggers.

I recognize full well, as some of the opponents of this bill argue, that there may be dangers in the use of the Internet, that it may be misused in improper ways that, in fact, violate current campaign finance laws in other areas, but I think we should give the bloggers the freedom they need, and if there is misuse later on in some other ways, we can deal with that time.

The CHAIRMAN. At this time I would like to recognize my Ranking Member Ms. Millender-McDonald, the gentlewoman from California, and any other Members that wish to offer statements.

Ms. MILLENDER-McDONALD. Good morning, and, Mr. Chairman, welcome.

The CHAIRMAN. Thank you.

Ms. MILLENDER-McDONALD. Congratulations. Now you have moved up to the big chair. We welcome you so much, and we know that you will do your due diligence in the same manner that the previous Chair has to the sense of fair and balanced. Seems like a concept that is used frequently. But we really do welcome you, and I have worked with you very well in the past and look forward to doing the same in this committee.

Mr. Chairman, being from California, I have seen firsthand how the Internet has become an innovative and powerful medium. Little more than a decade ago when public use of the Internet was still in its infancy, people around the world were beginning to use this new technology to instantaneously communicate with one another. Today the Internet has grown into a powerful tool for commerce, information and the media.

Looking back on this last Presidential election cycle, some of the positive consequences of enacting the Bipartisan Campaign Reform Act of 2002, which is BCRA, were the democratization of fund-raising, the broadening of political free speech, and the grass-roots efforts to increase voter turnout, all of which were facilitated or made possible by the use of the Internet. Federal officeholders and their political parties were forced to appeal to a broader audience of smaller donors, and the Internet was tapped for that purpose.

The Internet was also used by Federal candidates to get their message out and to become more involved in grass-roots activities. Presidential candidates used the Internet to raise substantial amounts of money. Internet fund-raising is much more efficient and much less costly than conventional outreach, such as hiring phone banks, producing and airing TV ads, and sending out mass mailers. All of the money raised by the campaign is fully reported to the Federal Election Commission and publicly disclosed. Millions

of small first-time donors recently became involved with the political process by using the Internet.

Americans were not only able to contribute to candidates using the Internet, but they were also able to learn of the candidate's position as issues arose and not to have to wait for it during the local news report. The Internet is leveling the playing field between everyday Americans and big donors and between the candidates and the news media which covers them.

Just this week, the George Washington University's Institute for Politics, Democracy and the Internet and the Campaign Finance Institute issued a joint report that, among other things, found that three or four times as many people contributed to the candidates in 2004 as in the year 2000, including an unprecedented number of small donors and Internet donors.

In September of 2005, this committee conducted an investigatory hearing on political speech over the Internet, and we listened to testimony from bloggers who wanted to make clear that their role is to disseminate news, commentary and editorials.

Bloggers should be treated no differently than talk radio. Bloggers inject a slew of new, independent viewpoints through a new medium to a broad audience at very little cost. Talk radio hosts have protections under the first amendment, and while I may not always agree with their positions on the issues of our day, I will nonetheless fight for their right to freely speak their minds. And in freely expressing themselves, if they step over the bounds of legal propriety by defaming someone or by intentional misrepresentations, for example, they can be held accountable in a court of law, in the court of public opinion, by their employers and by the Federal Communications Commission.

The right of free speech still requires responsible speech. Of course, we all know the old adage you can't yell "fire" in a crowded theater. I am concerned that as written, this bill may bypass the campaign finance laws with respect to and coordination and financing of a candidate's on-line campaign advertising. I do not want to see the Internet become the bastion of political ads that have engulfed our television airwaves, especially in California.

That being said, the Federal Election Commission, FEC, and the Department of Justice remain fully capable of enforcing the existing campaign law, including potentially corrupting elements of political speech which are covered by that law, whether that speech is over the Internet or through any other medium. In fact, the FEC will be ruling on this very subject later this month; in fact, next week.

It may be a bit premature, Mr. Chairman for us to act on this issue. If we decide that the FEC is moving in the wrong direction on this issue, then Congress will still be free to act. My particular concern is that the fundamental right of all Americans, including the voices of minority, the elderly, the poor, not be left out of this political dialogue as new forms of Internet communication play ever-increasing roles in the election of public officials, the formation of public policy and the shaping of the American democracy.

I voted for BCRA to sever the link with and to eliminate the corrupting influence of soft money on Federal officeholders. I did not vote for BCRA to squeeze out the voices of individuals expressing

themselves on blogs over the Internet. Because of the incredible potential of the Internet to democratize our society, it is my hope that the Internet never becomes a political battleground necessitating future regulation. But if the Internet becomes a vehicle for soft money and political distortion, I am prepared to work to tailor a solution consistent with the Supreme Court's earlier decisions.

Mr. Chairman, I, on behalf of the Minority, hereby give notice that the Minority intends to file additional and Minority views to the committee report, and I thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

[The statement of Ms. Millender-McDonald follows:]

## **Mark-up of H.R. 1605, the “Online Freedom of Speech Act”**

**March 9, 2006  
10:00 AM  
1310 Longworth House Office Building**

### **REP. JUANITA MILLENDER-MCDONALD’S OPENING STATEMENT**

I want to thank the Chairman for scheduling this mark-up for the Committee to consider H.R. 1605, the “Online Freedom of Speech Act”.

Being from California, I have seen first hand how the internet has become an innovative and powerful medium. Little more than a decade ago, when public use of the internet was still in its infancy, people around the world were just beginning to use this new technology to instantaneously communicate with one another. Today, the internet has grown into a powerful tool for commerce, information, and the media.

Looking back on this last presidential election cycle, some of the positive consequences of enacting the Bipartisan Campaign Reform Act of 2002 (BCRA) were the democratization of fundraising, the broadening of political free speech, and the grassroots efforts to increase voter turnout, all of which were facilitated or made possible by the use of the internet. Federal official holders and their political parties were forced to appeal to a broader audience of smaller donors, and the internet was tapped for that purpose. The internet was also used by Federal candidates to get their message out, and to become more involved in grassroots activities.

Presidential candidates used the internet to raise substantial amounts of money. Internet fundraising is much more efficient, and much less costly, than conventional outreach, such as hiring phone banks, producing and airing TV ads, and sending out mass mailings. All of the money raised by the campaign is fully reported to the Federal Election Commission and publicly disclosed. Millions of small, first-time donors recently became involved with the political process by using the internet.

Americans were not only able to contribute to candidates using the internet, but they were also able to learn of the candidates’ positions as issues arose – and not have to wait for a news cycle. The internet is leveling the playing field between everyday Americans and big donors, and between the candidates and the news media which cover them. Just this week, the George Washington University’s Institute for Politics, Democracy & the Internet and the Campaign Finance Institute issued a joint report that among other things found that three or four times as many people contributed to the candidates in 2004 as in 2000, including an unprecedented number of small donors and Internet donors.

In September of 2005, this Committee conducted an investigatory hearing on political speech over the internet and we listened to testimony from bloggers who wanted to make clear that their roll is to disseminate news, commentary and editorials.

Bloggers should be treated no differently than talk radio. Bloggers inject a slew of new independent viewpoints through a new medium to a broad audience at very little cost.

Talk radio hosts have protections under the First Amendment, and while I may not always agree with their positions on the issues of our day, I will nonetheless fight for their right to freely speak their minds. And in freely expressing themselves, if they step over the bounds of legal propriety, by defaming someone, or by intentional misrepresentations, for example, they can be held accountable in a court of law, in the court of public opinion, by their employers, and by the Federal Communications Commission. The right of free speech still requires responsible speech – you can't yell "fire" in a crowded theater.

I am concerned that as written this bill may be a bypass of campaign finance laws and coordinate and finance a candidate's online campaign advertising. I do not want to see the internet become the bastion of political ads that have engulfed our television airwaves

That being said, the Federal Election Commission (FEC), and the Department of Justice, remain fully capable of enforcing the existing campaign law, including potentially corrupting elements of political speech which are covered by that law, whether that speech is over the internet, or through any other medium. In fact, the FEC, will be ruling on this very subject later this month. It may be premature for us to act on this issue. If we decide that the FEC is moving in the wrong direction on this issue, Congress will still be free to act. My particular concern is that the fundamental rights of all Americans, including the voices of minorities, the elderly, and the poor, not be left out of the political dialog, as new forms of internet communication play ever-increasing roles in the election of public officials, the formation of public policy, and the shaping of the American democracy.

I voted for BCRA to sever the link with, and to eliminate the corrupting influence of, soft money on Federal office holders. I did not vote for BCRA to squeeze out the voices of individuals expressing themselves on BLOGS over the internet. Because of the incredible potential for the internet to democratize our society, it is my hope that the internet never becomes a political battleground, necessitating future regulation. But if the internet becomes a vehicle for soft money and political distortion, I am prepared to work to tailor a solution consistent with the Supreme Court's earlier decisions.

Mr. Chairman, on behalf of the Minority, I hereby give notice that the Minority intends to file additional and Minority views to the Committee Report.

###

The CHAIRMAN. I am now pleased to recognize the gentlewoman from Michigan for her comments.

Mrs. MILLER. Thank you, Mr. Chairman. I might also add I am delighted to call you Chairman, and we from Michigan are happy and very proud to have you take your spot as Chairman.

I would like to associate myself with your opening remarks, and I would also say I enjoyed your sense of humor over the years, including what you just said about better a live blogger than a dead blogger. Frankly, if we fail to act, we have the potential for not only having a chilling effect on the bloggers, but choking the very life out of them. I think there was a choking grain of truth to your comments.

The piece of legislation that we are about to mark up here today is very, very straightforward. It is about freedom of speech, and, according to our oath of office, we are here to make sure that we protect that however we can. It is typical, I suppose, sometimes of government or government reformers that every time they see some creativity, they think that it is important for government to try to regulate it. Where many people see creativity, others just see a potential for corruption. And I think this is very unfortunate.

I will tell you that when I was a Michigan secretary of state, we, as every secretary of state and everybody involved in the elections industry, tried to do everything we could to creatively think about how we could engage more people in the democratic process, particularly young people. Even though young people are registered to vote at the same level as every other demographic, for whatever reason—whether they don't like the process, or they think there is too much corruption in politics, or they don't like the candidates, or whatever their thought processes—they unfortunately have a much less incident of participating in the democratic process.

And now we see a tremendous outlet for them to talk about their views, talk about the candidates, and talk about the process by utilizing the Internet and the blogosphere. I think it is a very exciting outlet, and I think we do need to make sure that we do not stifle, that we do not choke the life out of it. We must allow them to be creative.

I am pleased to see that we are going to bring this piece of legislation up under regular order. I was managing the suspension the day that the House voted on it, and we had a lot of consternation about whether or not it would actually pass under suspension. There are very few things that would pass under suspension, but certainly under regular order, as you mentioned, Mr. Chairman, it will allow for the Congress to really work its will under the Majority rule.

One of the things that I thought was interesting that day was some who were opposed were talking about editorials that had been written by both The Washington Post and The New York Times. They were very, very opposed to this, and they thought that we should be regulating the Internet. And it just occurred to me why wouldn't you give the same freedoms and legal protection currently enjoyed by the editorial boards of those two papers to the bloggers and those who are utilizing the Internet? And perhaps certain media outlets want to see this type of thing regulated because

they don't want to lose any more market share, which is exactly what is happening to them right now.

So I think it is very, very important that this piece of legislation be marked up today and passed on to the floor, and I appreciate the time.

The CHAIRMAN. Thank you very much.

And let me just pick up on one thing you said. The interesting part about blogging is that it has really increased political awareness and political participation among a segment of society which is normally not politically involved. And as far as I am concerned, the more people you get involved in politics, the better off this country will be.

With that, I am pleased to recognize the gentleman from Pennsylvania.

Mr. BRADY. Thank you, Mr. Chairman.

Mr. Chairman, I want to congratulate you also in your new leadership role here and pledge my support in working along with you, but I would be remiss if I did not say that I have a lot of respect for our former Chairman. I think that you have some big shoes to fill. He was always fair, he was always honest, and he has always done a good job and shown us the proper respect, and there is nothing at all that would make me think you would not do the same thing. Congratulations again, and it will be my pleasure to work with you.

The CHAIRMAN. Thank you very much.

Does the gentleman from Florida wish to address?

Mr. MICA. Thank you, Mr. Chairman. Just very briefly, also, too, congratulations on assuming the chair. I think you are the perfect person at the right time. Sometimes fate has a way of putting the right person for the right circumstances in, and I am delighted that one of my classmates has risen to chair this subcommittee at a time when we face some serious challenges.

I do want to also compliment Mr. Ney. I have been around the Congress for 14 years, 7 terms. I don't think that we have had a finer Chairman. He has done more positive things for the House of Representatives in his leadership role in making some long overdue reforms, changes, just so many things. So his leadership we appreciate.

And I will just comment very briefly on the legislation before us. I always like to do one of these CYAs. While I am prepared to support this exemption of the Internet communications from the definition of public administration, which exempts Web sites and blogs and on-line advertisements at this time, I appreciated the comments of Ms. Millender-McDonald. At some point, we may have to revisit this. Every time we make up legislation with good intent in favor of freedom of speech and all of that in the political process, we find people who do abuse the process. The law needs to be flexible and adaptable and changeable to circumstances.

So I want to leave that caveat and that—that open door to come back and address potential problems that we may have, not by people who exercise free, fair, open speech within our society and in the campaign and election process, but, again, sometimes we have seen unintended abuses and using this new widespread medium of communications with malpurposes.

With that, I will support this. I do have concern for the future, and yield back.

The CHAIRMAN. I appreciate your comments. As I said earlier, I have some concerns too. Occasionally I let the evil part of my brain wander, and as I said earlier, I have developed ideas of several ways this could be abused. I certainly don't want to give any hints of what they may be, but I would certainly be willing to reopen this if such abuse does take place in the future.

With that, we will turn to the gentlewoman from California for her statement.

Ms. LOFGREN. Thank you, Mr. Chairman. I join in the congratulations of the other members of the committee to you in your new role and also would like to thank you for following the regular order on this bill. I think it is important that the process be followed and that people have confidence in the process.

I would ask unanimous consent to put my full statement in the record.

But I would simply say that it is important to know what this bill does and what it does not do. What it does not do is repeal section 441(b) of BCRA. And so there has been a lot of discussion publicly that I think, I am sure, although well intentioned, I think it has just been inaccurate.

If the Hensarling bill passes, it would still be a violation of BCRA for a labor union or a corporation to fund an ad on the Internet, to fund a video that was shown on the Internet. 441(b) is not repealed, and I think it is important that we state that. And should somehow a court find otherwise, obviously we would have to revisit this issue. But that is the state of the law today.

I want to note also that the FEC, as you have mentioned, is about to proceed, but they are constrained by the court decision. They can't do what we can do here by approving H.R. 1606. And so I do think it is important that we move forward.

And finally, I would like to publicly thank Jerry Berman and Leslie Harris at the Center for Democracy and Technology for really a very excellent effort to try to come up with some kind of compromise proposal. It may be that as time goes on, we will take a look at their proposal. It is a thoughtful one, and I think that they have reached out to the blogosphere to get suggestions. But I do think that we need to proceed today on the bill before us, and I appreciate the opportunity to comment and participate, and yield back.

[The statement of Ms. Lofgren follows:]

Statement of Congresswoman Zoe Lofgren  
on H.R. 1606, The Online Freedom of Speech Act  
Committee on House Administration  
Thursday, March 9, 2006

I represent California's 16<sup>th</sup> Congressional District which includes San Jose and parts of Silicon Valley. The people of my district are some of the most creative, innovative, smartest people on the planet. The businesses in and around my district are creating the products that keep our country moving and they are striving to remain competitive in a world that is getting more advanced every day.

The internet is the life-blood of Silicon Valley and for over a decade it has also been a major engine of the U.S. economy. It is for that reason that I am stringently opposed to regulation of the internet.

During my decade in Congress, I've noticed time and again that the Federal Government can't help but interfere with the tech world. From technology standards, to trade agreements, to internet taxation, the government has tried to impose rules that would limit the internet's ability to grow.

Simply put, technology moves too fast and government cannot get in the way.

The 2004 elections marked the first time that our country saw the widespread use of blogs. People all over the country went online and expressed their opinion like never before. I believe that interest in blogs caused more people

to get involved at the grassroots level in 2004. I do not want this Congress to do anything that would discourage this positive trend.

Today, we are once again considering HR 1606, The Online Freedom of Speech Act. This bill amends the Federal Election Campaign Act by modifying the definition of public communication to exclude communication over the internet for purposes of regulation.

This bill was introduced by Congressman Jeb Hensarling, and Senate Democratic Leader Harry Reid has introduced a similar proposal in the Senate (S. 678).

This legislation was brought up on the House floor and voted on last November. The final tally was 225 - 182, however the bill did not pass because it was considered under suspension of the rules. During the debate, one of the main arguments against the bill was procedural in nature. The bill was brought up under suspension and was not marked up by this committee.

It makes sense for this committee to mark up this bill, and for the full House to consider it under a rule. I commend Chairman Ehlers for holding today's markup and moving forward in a sensible way.

H.R. 1606 provides significant protection for the use of the internet. Under this legislation, the medium itself is protected.

Other costs (such as the use of staff or production of materials) borne by parties, candidates or others on their behalf, would remain subject to our current campaign finance laws that limit the use of soft money. For example, the payment of staff or consultants to assist with the production and posting of an internet video commercial would be governed by our current campaign finance laws.

Passage of H.R. 1606 would not invite corporations and unions to reopen the soft money loophole. Both are prohibited from making expenditures in connection with federal elections, except in limited circumstances. A violation occurs as soon as corporate or union money are spent in connection to a federal election and from the coordination with a candidate.

Most importantly, this bill will keep the FEC out of the business of regulating political speech on the internet. If this bill is defeated, and the FEC proceeds with new and more restrictive rules, then the grounds will have been established for continuing regulatory jurisdiction over political communication on the internet. We must not start down this path.

I was a strong supporter of the Bipartisan Campaign Reform Act of 2002. I signed the BCRA discharge petition and was greatly pleased when it was approved and signed into law. BCRA has only been in place for one election. If the FEC finds evidence that campaigns and political parties have abused our campaign finance laws through the internet, the FEC should investigate and look for ways to

close the loophole. However, I do not think you can close loopholes by putting limits on technology and free speech.

Finally, since last year's consideration of this bill, several groups have worked on alternatives to the Hensarling Bill. In particular, the Center for Democracy and Technology recently released a proposal. While I am not in a position to support the CDT approach at this time, I appreciate the leadership of Jerry Berman and Leslie Harris and I commend them for jumping into the debate.

Election Day 2006 is less than 7 months away. The first primaries of the cycle took place yesterday. It is vitally important the electorate have access to information they need to make decisions in the voting booth. It is equally important that everyone has the ability to communicate and advocate for their beliefs. If the House passes this bill in the coming days, we will send a strong message defending free speech and keeping the internet free of burdensome regulation.

The CHAIRMAN. And I want to thank you for your request that we process this through the Committee rather than simply taking it up on the floor again under discharge. And that support was very helpful to me in my effort to do this.

We have been joined by the gentleman from New York. Do you wish to make an opening statement?

Hearing none, I do want to thank all of you for your congratulations on my assuming this chairmanship. Let me simply say that I appreciate the opportunity to chair the Committee. I will certainly do the job to the best of my ability, and appreciate your offers of assistance.

But let me also say that the last thing in the world that I wanted was to assume it under the conditions that I assumed it under. I have a lot of respect for Mr. Ney. I have worked closely with him for many years in this committee, and it grieves me about what has happened to him that I had to take this chairmanship under those conditions. I wish him well, and I certainly hope that there are no lasting after-effects on the accusations that have been made about him.

Having said that, without objection, the bill is considered as read.

[The information follows:]

U.S. federal legislation provided by the Library of Congress and the Government Printing Office.  
Current legislative activities at the House of Representatives.

109TH  
CONGRESS  
1ST SESSION

# H. R. 1606

To amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2005

Mr. HENSARLING introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Online Freedom of Speech Act".

### SEC. 2. MODIFICATION OF DEFINITION OF PUBLIC COMMUNICATION.

Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following new sentence: "Such term shall not include communications over the Internet."

The CHAIRMAN. Is there any further discussion on H.R. 1606?  
Hearing none, the Chair recognizes the gentlewoman from Michigan for a motion.

Mrs. MILLER. Mr. Chairman, I would move that H.R. 1606 be reported favorably to the House.

The CHAIRMAN. The question is on the motion. All those in favor signify by saying aye.

Opposed, no.

The bill is reported out favorably to the House of Representatives, and the motion is agreed to.

One item of housekeeping business before we adjourn. The Chair would like to announce that a consulting contract between the Agriculture Committee and John Jurich was approved under interim authority by the previous Chairman.

I ask unanimous consent that Members have 7 legislative days for statements and materials to be entered in the appropriate place in the record. Without objection, the material will be so entered.

The CHAIRMAN. I furthermore ask unanimous consent that staff be authorized to make technical and conforming changes on all matters considered by the Committee at today's meeting. without objection, so ordered.

Having completed our business for today, the Committee is hereby adjourned.

[Whereupon, at 10:30 a.m., the committee was adjourned.]

