

XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

ONLINE FREEDOM OF SPEECH ACT

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1606) to amend the Federal Election Campaign Act of 1971 to exclude communications over the Internet from the definition of public communication.

The Clerk read as follows:

H.R. 1606

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 SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 20 minutes.

Mr. MEEHAN. Mr. Speaker, I seek to manage the time allocated for the opposition to the motion.

The SPEAKER pro tempore. Does the gentlewoman from California support the motion offered by the gentlewoman from Michigan?

Ms. ZOE LOFGREN of California. I do.

The SPEAKER pro tempore. The gentleman from Massachusetts will control the 20 minutes reserved for the opposition.

The Chair recognizes the gentlewoman from Michigan (Mrs. MILLER).

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1606.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the advent of the Internet Age has brought about a host of new ways for citizens to participate in the political arena. Web sites, e-mail, and blogging have provided new avenues for political activists to reach out to potential voters, to raise issue awareness, to solicit contributions, and to mobilize the get-out-the-vote efforts.

The Internet has also generated a more widespread flow of news information through not only mainstream media sources but also independent Web sites and blogs. Most importantly, it has created a completely new opportunity for all citizens to exercise their right to free speech by opining on the most important issues of the day as they see them, as the citizens see them.

Unfortunately, Mr. Speaker, all of this activity is actually under attack today. When Congress passed the Bipartisan Campaign Finance Reform Act in 2002, the law apparently was unclear on what impact it would have on political speech on the Internet. The Federal Election Commission interpreted the law to say that Congress did not intend to regulate the Internet when it passed BCRA. The bill's sponsors disagreed, and they sued the FEC in the courts.

A recent appellate court decision will force the FEC to implement a rule that would cover Internet communications. If the Congress does not act now and make it clear that it does not want the Internet to be regulated, the FEC will adopt a new rule to regulate the Internet; and by passing H.R. 1606, also known as the Online Freedom of Speech Act, Congress can prevent this from happening.

H.R. 1606, introduced by the gentleman from Texas (Mr. HENSARLING), amends the Federal Election Campaign Act of 1971 to exclude Internet communications from the definition of "public communication," thus exempting Web sites, blogs, and online advertisements from Federal Elections Commission, FEC, regulation.

This bill has very, very strong bipartisan support. In testimony before the FEC and before the Committee on House Administration, both liberal and conservative bloggers expressed their support for this exemption. Senate minority leader REID has introduced a companion bill in the U.S. Senate and written to the FEC to express his belief that the Internet should not be regulated.

The regulations proposed by the FEC could limit the ability of online activists to talk to campaigns, to give discounts on advertisements, to spend money maintaining their site, to link to candidates' sites, to advocate the election of a candidate, or to send political e-mails.

The FEC would potentially grant some bloggers and online publications what is known as the "media exemption," which would allow these bloggers to operate free of FEC regulation like any standard newspaper or news program. However, the rules were very unclear about how the FEC would determine who qualified for the exemption. Potentially, the FEC's rulings could become content-based restrictions on speech and on free speech.

As we consider this legislation, Mr. Speaker, we must remember that the Internet is not like traditional forms of

media. Unlike television and radio, activists do not require large sums of money to post their message on the Internet. Also, the number of people reached and the success of communication are not directly linked to the amount of money that is spent.

In addition, the Internet is not an invasive medium. In other words, the recipients of communication are exposed to the communication only after they take deliberate and affirmative steps to find a particular Web site. Further, the Internet has generated a surge in grassroots involvement in the political process.

Mr. Speaker, historically, Congress has regulated political speech only where it has the potential to cause corruption or the appearance of corruption. There has been no demonstration that the growth of the Internet has had a corrupting influence on politics. There is, however, ample evidence that the Internet has had a positive effect on our political system by encouraging young people, a whole new generation of people, to get involved in our political process.

□ 1430

Any Internet regulations would be complicated and difficult for a lay person to understand. Bloggers and other online activists should not have to worry about accidentally running afoul of campaign finance laws when they are expressing their own opinions on the Internet.

Regulatory proponents claim regulations are necessary to reduce the influence of wealthy interests. In fact, Mr. Speaker, these complex regulations, if enacted, would actually increase the influence of big money and politics, because then only the wealthy could afford to hire election attorneys to be certain that they were abiding by these very complicated regulations.

The Committee on House Administration, under Chairman NEY's leadership, had a hearing on this topic back last September; and, at that hearing, several Members of Congress and of the committee, including myself, actually suggested that the Congress needed to step into this process to clarify Congress' intent on this issue instead of leaving it up to Federal agencies and the court system.

Congress began this discussion by passing BCRA. By debating and voting on this bill today, the House will clarify once and for all its intent on this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to House bill 1606. This legislation, under the guise of protecting bloggers, actually undercuts the progress made by the Bipartisan Campaign Reform Act and reopens the floodgates of corrupting soft money in Federal elections.

I also rise in opposition to this legislation being considered on the suspension calendar when it is so clearly a

controversial matter on which there has never been a committee markup for members to offer amendments and, under the rules, we cannot offer amendments here today.

The debate today is about what is the best way to approach coordinated expenditures that are campaign-related on the Internet. We all understand that the Internet is a wonderful tool for political activity. Its accessibility and generally low cost are invigorating to the body politic. I belong to moveon.org. I read my e-mails every time they are up. But, by the same token, its increased usage by candidates and parties and the increased resources being put into this technology for campaign advertising suggest that we need to be cautious about attempts to exempt all Internet activity from Federal campaign finance laws.

Let me say a couple of words about bloggers, because bloggers have generated and received a lot of attention here. No one wants to regulate bloggers, not the campaign finance reformers, not the Democrats, not the Republicans, not the Federal Election Commission. That is clear. The question is whether to exempt individual speech, as I have proposed, or create blanket exemptions for entities as varied as labor unions and major corporations who make soft money contributions at the behest of candidates, on behalf of candidates, and at the direction of candidates.

That is why The New York Times editorialized yesterday in opposition to H.R. 1606, and they argued that the bill uses freedom of speech as a fig leaf.

The issue here is not individual speech. The issue is corrupting soft money. The primary constitutional basis for campaign finance regulation is preventing corruption or the appearance of corruption of candidates or officeholders. Creating a new way for Members of Congress or the Cabinet to solicit and then coordinate or control unlimited amounts of soft money is precisely the scenario campaign finance reform banned.

We are talking about legislators. For example, let us say we had a prescription drug bill that was written by the pharmaceutical industry. This Congress could pass that bill in the middle of the night, and then Members of Congress who passed the bill could actually ask those same pharmaceutical interests to write six-figure checks for campaign ads for them to appear on the Internet.

But let me give another example. What could happen is you could have an energy bill, provisions of which were written by the oil and gas industry. Let us say a company like Exxon, as a result of it, had the highest profits they have ever had, record profits because of gasoline prices going out of control. The same people who advocated for that energy bill that Exxon supported could go to Exxon and say, could you use some of those profits to support my

campaign with a massive online campaign ad buy.

This is no minor affair. This is a major unraveling of the law.

As Senators MCCAIN and FEINGOLD have made clear, this is not free speech, this is paid speech, politically paid for with unlimited corporate and union contributions.

It is important to note that the bill under consideration today uses the exact same language that the FEC tried and that a Federal court struck down. The judge in that case, Colleen Kollar-Kottelly, wrote that the provisions would "permit rampant circumvention of the campaign finance laws and foster corruption." She went on to say that the provision would "severely undermine" the campaign finance law. Her rulings have gone before the D.C. Court of Appeals twice, and they have been upheld.

Just days ago, a CNN poll found that the American people believe that corruption in government is the second most important issue facing this Nation after the economy. The American people are tired of the scandals.

We are considering today a bill that flies in the face of public concerns about corruption and is likely to create new corruption and new scandals. The bill that we are considering will also allow political parties to use soft money to pay for Internet ads bashing candidates.

Experience teaches us that professionals who are political will find ways to exploit any perceived loopholes. For example, the national party soft-money loophole started as a minor blip in the 1980s and exploded into a half a billion-dollar binge by the 2000 cycle. Corporations and billionaires will be enabled to pay for Internet-related expenses of requesting candidates or requesting parties, and the public will not have a clue where this money comes from, because virtually all they will see is the Internet advertising designed and created by candidates.

That is one of the reasons why this bill is opposed by Common Cause, opposed by Public Citizen, opposed by U.S. PIRG, opposed by Democracy 21, and opposed by the League of Women Voters. That is why The Washington Post editorialized this week that this would be carving a huge cyber-loophole in the soft money ban. That is why The New York Times said yesterday, "make no mistake about it. This bill is to protect political bagmen, not bloggers."

In protecting bloggers, we need to approach this the right way, and this bill is the wrong way.

I have introduced a bill with the gentleman from Connecticut (Mr. SHAYS) called the Internet Anti-Corruption and Free Speech Protection Act of 2005. Under this legislation, communications over the Internet by individuals on their own Web sites would be treated the same as they are in H.R. 1606. But our substitute, which we cannot allow today, we are not allowed to

present, would not blow open the same gaping loophole for paid advertising.

Unfortunately, because the leadership has chosen to bring this up under a suspension of the rules, we are unable to offer our substitute. The suspension calendar is for naming post offices and other noncontroversial matters. It is not a place to create new loopholes in the campaign finance laws. Limiting the democratic process and stifling the debate is an unacceptable way to undertake such an important matter of public policy. It is wrong to do so. It is unfair. It is an abuse of power.

So why are we rushing through this suspension? I urge my colleagues to oppose this suspension so that we might be able to have a full debate, including consideration of the Shays-Meehan alternative bill to protect bloggers, without creating new avenues for corruption.

Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself 15 seconds to respond to my distinguished colleague from Massachusetts who referenced three editorial boards.

I think it is important to note that these editorial boards are nothing more than paid scribes. They literally make their living by using the first amendment. But everyone knows that the Internet has negatively affected the cash flow of the institutional print media. It is the height of hypocrisy for the print media to use their right to free speech to opine against their competition on the Internet.

Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I rise in strong support of H.R. 1606, the Online Freedom of Speech Act.

My bill is a simple one. It is only one sentence long. It achieves one goal, but that goal is a worthy one: the protection of free speech on the Internet.

Without this legislation, I fear that the cold, callous, and clumsy hand of Federal regulation may stifle political speech in cyberspace. Recently, we know the Federal judiciary ruled that, absent our congressional action, the FEC must regulate this form of speech, even though the FEC clearly does not want to. The newest battlefield in the fight to protect the first amendment is the Internet. Today, the Internet is free from FEC regulation. Clearly, it should remain that way.

The Internet is a marketplace of ideas that welcomes all participants on equal footing. It is extremely cheap. In fact, if one has access to the Internet at home or a public library, it can be free, absolutely free. A Web site's success is driven by the quality of its content, not the quantity of funds that are poured into it. It is one of the most democratic forms of speech that we know today, and it is an outstanding opportunity for all individuals across

our Nation to participate in our democratic process and impact public policy.

The Internet, Mr. Speaker, is the new town square; and campaign finance regulations are not appropriate there. Not only would such regulation be a nightmare to administer and enforce, it would place complex responsibility on ordinary citizens that would functionally restrict their political free speech and violate their first amendment rights. Today, thousands and thousands of Americans run blogs that are focused on politics, and millions of viewers visit their favorite bloggers' Web sites for commentary often not found in the mainstream media.

Without H.R. 1606, I fear that bloggers one day could be fined for improperly linking to a campaign Web site, or merely forwarding a candidate's press release to an e-mail list, and the list goes on. If bloggers are compelled to hire lawyers to navigate this complex, gray, murky world of Federal regulation, many will simply cease to operate. That would only leave the wealthier participants in this blogosphere and undermine public access to information and the chance for smaller groups to participate in our democracy in this fashion.

Those opposing the bill claim that some day, somehow, somewhere, there may be corruption. Yet the FEC itself could not see the threat of corruption that is present in a "medium that allows almost limitless, inexpensive communication across the broadest cross-section of the American population." Let those who cry corruption cite examples and carry the burden in this debate to abridge the first amendment rights of our citizens. Mr. Speaker, it is a heavy burden to carry.

In 2002, before I came to this body, Congress passed a sweeping new campaign finance law; and, in a rare moment of restraint, nowhere in the new law did Congress impose restrictions on the Internet. Consequently, the FEC, the entity solely devoted to regulating campaign activity, left that promising new technology alone.

Under the new law, public communications were clearly defined; and, just as clearly, the Internet does not appear on this list. Mr. Speaker, I am quite certain that Congress was aware of the Internet's existence 3 years ago. Indeed, it is mentioned in other parts of the legislation.

So, logically, the FEC declined to regulate public communications online, equating the give and take on the Internet to candidate forums and rallies and debates that are open to the public. Just like on the street corner, people can talk back to a blog by writing their own posts or establishing their own sites. How do you talk back to a radio ad except with another radio ad that costs perhaps tens of thousands of dollars to run? This is very different. Web sites and messages are very effective, very democratic, and very affordable tools, a different means of communication.

Despite congressional silence on this matter, in 2004, a Federal court instructed the FEC to regulate Internet communications, and that process is under way. Because the vast majority of Web sites are independently and inexpensively operated, regulatory burdens are going to limit the Internet's usefulness as a political forum.

I am gratified to see the thoughtful and energetic response of the blogosphere to these proposed rules. It is just this type of free exchange of opinions that we are trying to protect today. The bottom line is that campaign finance laws must enhance, not hinder electoral participation; and I should note that campaign blogs and all official campaign activities will still be regulated by the FEC after the passage of this legislation.

I am proud that my democratic colleague, the gentleman from Michigan, the ranking member of the House Judiciary Committee, has cosponsored this bill, signifying that this is truly a bipartisan effort. In the other body, the distinguished Senate minority leader has partnered with my friend, Senator COBURN, to defend American freedom of speech online by introducing this identical language in the other body.

Over 200 years ago, in this House of Representatives, James Madison stated, "The people shall not be deprived or abridged of their right to speak, to write, or to publish their sentiments." Today, Congress finds itself debating the very same rights under far more modern realities.

□ 1445

New regulations are not the answer each time a new technology emerges. The bipartisan Online Freedom of Speech Act protects the first amendment rights of Internet users and prevents the FEC from making needless and arbitrary distinctions.

When the choice is between more regulation and more freedom, we should always err on the side of freedom.

Mr. MEEHAN. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Massachusetts (Mr. FRANK), who knows and understands the rules and procedures of this institution as well as anyone who has ever served here.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MEEHAN) for yielding me the time.

Mr. Speaker, I have to comment on the irony that we have people here defending vigorous open debate and free speech by invoking one of the most restrictive procedures of the House of Representatives. Apparently, people here believe that James Madison thought that there should be free debate except in the Congress of the United States.

Under the procedure, and people should understand who will be monitoring this debate, for many of us the key issue is not the substance. Yes, I think we ought to legislate. It is the

outrageous high-handed arrogance we have seen now become, unfortunately, second nature to the majority, that brings an important bill invoking constitutional principles and history and modern technology, and how you integrate those, and the question of campaign finance, into the most restrictive procedure.

We have 40 minutes to debate this. No amendments are possible. Apparently this is the perfect bill. This must have sprung like Minerva from the forehead of Zeus in perfect form, and here it is. God forbid that the United States Congress or House of Representatives should be able to amend it or change it.

It will be here. Take it or leave it. And of course the assumption is that people who agree that we should not be restricting the free use of the Internet will be so intimidated by the fear that if they voted "no" they will be criticized that they will fall in line.

No, I do not think that works any more. I think the American public is smart enough to know that the end does not always justify the means and that the irony of purporting to defend free speech by shutting it down in the Congress of the United States is too bizarre.

You want to know how restrictive this is? This procedure allows a total of 40 minutes for debate. Is 40 minutes a lot of time? This Republican majority has regularly kept roll calls open after debates have finished for longer than we get to debate this bill. They will spend way more than 40 minutes twisting each other's arms in private, rather than allow us to have the debate time.

What, are we overworked? We are hardly as a Congress overworked. We would have plenty of time to debate it. Whatever happened to the notion that a bill comes out of committee, and I am a ranking member of a committee. I would not allow for my committee, if I could help it, a bill to come to the floor where there was substantial opposition under suspension of the rules.

This has nothing to do with the substance. There are issues to be debated here. Forty minutes and no debate. The rules are suspended because free speech is so important to these supporters that free speech must be sacrificed as we get it. They are going to destroy the village in order to save it. If someone would explain to me, I would yield my time, why we could not have this as a regular bill under regular procedure.

Is there some reason unbeknownst to me that kept us from having this as a bill that came to the floor, that people can go to the Rules Committee and we could have amendments and we could debate it for more than 20 minutes on each side. I would be glad to yield to any advocate of free speech who can tell me why it has become inapplicable in this bill.

Well, I have no takers. Apparently, all we get in defense of this is free silence. And I will commend my colleagues for having the good sense not to try to defend their procedure.

Mr. DOOLITTLE. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. DOOLITTLE. Mr. Speaker, as I recall, it was the gentlewoman from California (Ms. ZOE LOFGREN) who thought this would be an appropriate procedure to bring it to the floor on suspension. So there was no abuse of power. This is strongly supported by both parties. I anticipate it will pass today. Otherwise, we will take a rule, and we will do it the regular way.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, let us do that. Let us defeat this now and send it to a rule. The gentleman from California's (Mr. DOOLITTLE) idea of a substantive defense is maybe a tribute to the gallantry that he continues to exemplify long after it may have gone out of fashion. He says the reason this is a good idea is that the gentlewoman from California (Ms. ZOE LOFGREN) said so.

I highly esteem my colleague from California with whom I disagree in this case. But the notion that her imprimatur is in itself a substantive defense of failing to follow the regular procedure does not meet the argument.

Ms. ZOE LOFGREN of California. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Speaker, I did opine at the hearings, since there was complete agreement among all of the Members present, that we did not want to regulate the Internet, that we might be able to take care of this on the suspension calendar.

And I never have felt so powerful in the minority as I do today.

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, you said all of the Members there present. How many were there?

Ms. ZOE LOFGREN of California. Mr. Speaker, I was the only Democrat present.

Mr. FRANK of Massachusetts. Mr. Speaker, how many Republicans?

Ms. ZOE LOFGREN of California. Mr. Speaker, I do not remember.

Mr. FRANK of Massachusetts. Mr. Speaker, so apparently four or five Members have been able to do this. I will repeat that we have heard no substantive defense of why this came.

I would agree with what the gentlewoman from California (Ms. ZOE LOFGREN) said, sometimes you do not know something is controversial; but once you learn that it is, then you have the regular procedure.

Mr. BASS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New Hampshire.

Mr. BASS. Mr. Speaker, I am planning to speak in opposition to the bill, but I thought that I heard the gentleman say a minute ago that he planned to oppose it. Is that correct?

Mr. FRANK of Massachusetts. Mr. Speaker, reclaiming my time, do I op-

pose it? Yes, I oppose it. Under this procedure I will oppose it. I will not support the diminution, the continued reduction of democracy in the House.

And I think, yes, there could be a lot of free speech, but not by shutting it down in the House. I will say again, nobody can give us a substantive justification of why this is being done this way. Look, this involves the Constitution. It involves the complex issues of campaign finance regulation. It involves how you take technology and how you adapt basic constitutional principles to it, and that is to be debated by 20 minutes on each side, and that is to be preformed with no amendments.

Mr. Speaker, it is a joke. It is self-parody. Let us all defend free speech by not having any. I hope that this is voted down and that we then can have an appropriate debate under the rules of the House with amendments and with full discussion.

Mr. MEEHAN. Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself 15 seconds to respond to the gentleman.

Mr. Speaker, we are actually being accused of abuse of power, as I understand it, for bringing up the Senate minority leader's companion bill.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentlewoman yield?

Mrs. MILLER of Michigan. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, again, invoking one other individual does not pass for substantive debate. I am surprised. Do you not understand what real argument is?

Mrs. MILLER of Michigan. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), who is a distinguished member of the House Administration Committee that did ask for us to bring this up under suspension.

Ms. ZOE LOFGREN of California. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I understand the procedural objections to this, and certainly when I made the suggestion during our hearing that we could probably handle this on the suspension, I believed that was the case. Obviously, there is more controversy than I had believed at the time.

But I still believe that this bill is very much worth supporting, and I do support this bill. If I believed what the New York Times and the Washington Post said, I would indeed be concerned. I was a strong supporter of the bipartisan Campaign Reform Act of 2002. I signed the discharge petition.

I voted for it. I am glad it passed. I would note, however, that what the bill before us does today is really a lot more modest than the rhetoric would lead one to believe. It does not repeal section 441(b) of the act that prohibits contributions or expenditures by national banks, corporations, or labor organizations. And all of the hoo-rah-rah

about soft money and corporate money, I am sure it is sincere, is simply, as a matter of law, incorrect.

What this bill would do would be to allow communications on the Internet to avoid the heavy hand of regulation. And I do believe that is important. Today, if a local candidate has a Web page and they decide to say something very positive about the election of their party's candidate for President, they have a problem under the FEC rule.

And if my Web site, Lofgren for Congress, links to Feinstein for Senate, I probably am violating the rules. And there is no need for that. We do not want the heavy regulatory load on the Internet, nor do we need to do it.

Under current law, unless we pass this exemption, Daily Chaos, which if they call me for a comment on a candidate and it was run on their daily Web site within the specified time, we might have an actual problem here unless they are entitled to the press exemption. It is not clear that they are.

Mr. Speaker, I think it is very important since the court was not sure what our intention was when we passed BCRA that we should make it clear that the Internet is not part of the public communications covered by the act.

I do believe that in coming from Silicon Valley, especially so, that the ability to use the new technology to promote the viewpoint of individuals is essential to the growth of democracy. We have seen ever-increasing numbers of people participate in elections.

I think part of the reason for that is the ability to use the Internet to communicate. We are concerned, and rightly so, about the cost of TV. It costs a huge amount of money to run TV ads. Well, the cost to send an e-mail is almost nothing. So the use of the Internet is a great democratizer; that is little "d," not big. We need to make sure that communications using the Internet are protected.

Mr. Speaker, it is worth noting that what this bill will do would be to protect the technology, to protect the Internet itself. It would not reduce in any way the prohibitions found in 441(b) any more than a corporation could use its funds to buy lawn signs or political signs; they could not pay for ads either.

And so I do think that it is worth noting that for the record I would just like to say that in this case the bloggers have got it right. This bill will keep the FEC out of the business of regulating political speech on the Internet.

Mr. MEEHAN. Mr. Speaker, I yield myself 35 seconds.

Mr. Speaker, I am a friend of the Internet. In fact, I sponsored legislation that would exempt bloggers from FEC legislation.

But the issue is how we draw the lines to balance. We do not exempt the Internet from laws controlling child pornography; we do not allow child pornography on the Internet. We do

not exempt the Internet from consumer safety laws. We do not exempt the Internet from intellectual property or copyright laws. We do not because we think those laws are important.

We wrestle with the details of unavoidable and unintended consequences. Why do we do the hard work of wading through the details? Because why would we do anything else? Why should we disregard the integrity of the political process?

Mr. Speaker, I yield 1½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise to oppose H.R. 1606, the soft money loophole ban. Three years ago, Congress spoke: corrupting soft money should not be part of the Federal election process. When President Bush signed the Bipartisan Campaign Finance Reform Act, he made unlimited Federal soft money donations illegal.

Democracy was enhanced. Today, however, the House is debating an attempt to make soft money legal again. H.R. 1606 would allow corporations, labor unions, and wealthy financiers to make unlimited soft money donations for campaign ads on the Internet coordinated by candidates.

Bloggers should be free to write whatever they want about candidates for office. But if this bill passes, the public will have no idea whether or not Internet campaign ads are being financed by secret soft money.

Why is this bill on the suspension calendar? Americans are frustrated by the majority's corrupt habits of ramming through legislation in the middle of the night without an opportunity to read or amend proposed legislation.

Today, the majority is pushing through a bill that would enable monied interests to regain undue influence on Federal elections. The bill should be considered through regular order with consideration of amendments.

Mr. Speaker, the better way is the bill that the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) have proposed.

Mr. Speaker, that should be an amendment to this bill on the floor. It cannot be under this procedure. This bill should be defeated.

Mrs. MILLER of Michigan. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I know the theme of the minority is the Republicans abuse power and they are corrupt; but I think this example is absolutely ludicrous, given that it was recommended by a prominent Democrat member of the House Administration Committee who happens to support the legislation.

And she prudently recommended it because at the time it seemed like it

was a relatively noncontroversial idea, supported by most of us. I would venture to guess that the outcome will be just as she assumed, that it will pass by the two-thirds vote required.

□ 1500

I just cannot sit here and listen to this recitation when it is so unfair, given the facts of this particular case.

Mr. Speaker, the Constitution is clear, "Congress shall make no law abridging the freedom of speech." Unfortunately, the U.S. Supreme Court ruled to the contrary that, in this instance, in political speech Congress may abridge the freedom of speech and it may do so under the guise of preventing corruption or the appearance thereof in campaign activities. I disagree with that decision, but the Supreme Court has spoken for now, so we must live with it.

I am grateful to my colleagues on the other side of the aisle who at least feel, as concerns the Internet, that there are compelling policy reasons why that should not be subject to this kind of regulation. Heaven help the average American if they fall under a regulation similar to what any candidate must now undergo for Federal office because that would basically mean that you would have to check with your accountant and check with your attorney before you engage in the Internet communication that might at all be perhaps close to whatever the line would be. In other words, it would have a chilling impact on people's exercise of what we believe should be their free speech rights.

This rise of the Internet is one of the greatest democratic, with a small d, trends the world has ever known. Anybody with access to a computer can communicate throughout the world his or her views. Why would we seek to regulate such an activity and to place this chilling impact out there?

I commend, by the way, the FEC. They correctly decided not to regulate the Internet. Unfortunately, the big government campaign reformers found that intolerable, filed suit in Federal court and were vindicated with the judge ruling that, indeed, the law required the FEC to regulate. In the absence of our passing this kind of legislation, the Internet will be regulated.

Mr. Speaker, we must put an end to this now before it spreads out of control. Please vote yes for the Hensarling bill. I am so grateful the gentleman introduced it, and I commend him for it. Please support freedom of speech. The Online Freedom of Speech Act is what this legislation is called.

Now is the time to draw a clean, clear, bright line and say if you are engaging in speech over the Internet you do not have to check with your lawyer or your accountant. You are a free American, and you have the opportunity to engage in free speech over the Internet. Vote yes.

Mr. MEEHAN. Mr. Speaker, I yield myself 10 seconds.

I can appreciate the gentleman from California's consistency. He was opposed to campaign finance reform. On the floor, he said he was opposed to any limit. He would just as soon have no limits at all on any campaign finance. He thinks corporations should give.

Mr. Speaker, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

I rise in opposition to the bill. We passed a bipartisan campaign finance reform act 3 or 4 years ago to close huge loopholes in campaign spending, including the soft money loophole. Now the Internet is becoming an increasingly important medium for campaign spending and advocacy. According to some surveys, 37 percent of the adult population and 61 percent of Americans use the Internet to determine how they would vote in an election.

Now I do agree with my friends on the other side of the aisle that, had this bill gone through the regular order, we probably could have worked out some compromises that would have protected the rights of individuals and bloggers and so forth, but we do not have that ability at this point, so it is either an up or down vote on a complete exemption.

In the absence of this compromise, we have to depend on the FEC for regulation. Because if we do not and if this bill passes, we will in effect have an exemption to BCRA that will allow for unlimited advertising and advocacy over the Internet.

I do not believe that bloggers or individuals will ever be fined by the Federal Election Commission. I urge my colleagues to vote against this bill when it comes up later today.

Mrs. MILLER of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a strong supporter of campaign finance reform.

(Mr. HOLT asked and was given permission to revise and extend his remarks.)

Mr. HOLT. Mr. Speaker, I rise today to oppose H.R. 1606 and ask us to come back with a procedure that will permit the Shays-Meehan alternative.

This bill opens a huge loophole in the campaign finance laws. The gentleman from Massachusetts (Mr. MEEHAN) and others have been bulldogs in moving us toward a more perfect democratic union by keeping government of and by the people, not of and by some of the people and by special interests; and this act would not add protections of freedom of speech on the blogosphere as it is purported to do. Rather, it would bring large amounts of money back into deciding who can buy the largest microphone in a Federal campaign.

It will smother, not enhance, the voices of true grassroots movements.

This would compromise not only the blogs it purports to help, it runs a great risk of harming the political procedure. There are too many questions raised by this. The procedure circumvents open debate.

All of us believe that bloggers should not be subjected to censorship. I myself am an occasional guest blogger on political Web sites. Bloggers, like traditional journalists, should be able to communicate with their audience without any fear of violating FEC regulations. However, this legislation is not ready for prime time.

I urge my colleagues to oppose it and come back with a procedure that will permit the Shays-Meehan alternative.

Mrs. MILLER of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE), who has been a courageous hero in the fight for campaign finance reform.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong opposition to H.R. 1606, the Online Freedom of Information Act. This controversial bill purports to protect the freedom of speech of Internet bloggers but instead creates a major Internet loophole for soft money in our Federal campaign finance laws. These are exactly the soft money expenditures the Bipartisan Campaign Reform Act of 1992, BCRA, sought to prohibit.

Internet advertising should be no exception and ought to conform to the same rules as those governing other media. H.R. 1606 is the wrong way to address the issue of bloggers and will only lead to new corrupting soft money scandals and campaigns. The Internet has increasingly and rightly been used as a powerful political tool in recent elections, but it is negligent that we would permit it to be a safe haven from our campaign finance laws.

Under H.R. 1606, House members and other federal candidates would be permitted to control the spending of soft money—provided by corporations, labor unions and wealthy individuals—to buy Internet advertisements to support their campaigns. State political parties would also be allowed to spend soft money on Internet advertising to attack and promote federal candidates. And, these contributions would never be disclosed in campaign finance records.

If the Congress is really concerned with protecting Internet bloggers, I urge consideration of legislation introduced yesterday by my colleagues Representatives SHAYS and MEEHAN, which reaffirms that bloggers communicating on their websites are not covered by campaign finance laws without allowing Members of Congress and other federal candidates to use corrupting soft money to support their campaigns.

I urge my colleagues on both sides of the aisle to vote no on the Online Freedom of Speech Act.

Mrs. MILLER of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. MEEHAN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in this time when a cloud of scandal hangs over Washington, when the Chief of Staff to the Vice President of the United States has been indicted for perjury, making false statements, when a top White House official is led away in handcuffs, indicted on charges of making false statements related to an investigation of his dealing with lobbyists, at a time when a top Republican lobbyist and fundraiser has been indicted for fraud, when that investigation is the subject of a Department of Justice investigation, and today over in the other body there is a hearing going on looking into possible other misdealings, at a time when the American people have indicated that they are fed up with scandals, how can this House support a bill that would open up new avenues for corruption to enter the political process?

The courts have clearly argued that the reason why you can limit campaign contributions is because of corruption and the appearance of corruption. Why would we take a step backwards from campaign finance reform and open up a loophole so big that you could drive a truck through it?

Finally, I keep hearing Senator REID's name mentioned here. I want to assure you of something. If the Senate brings up this bill, they will get more than 20 minutes a side to discuss it. They will discuss it for as long as it needs to be discussed. That is what we should have done here.

Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I spent 8 years of my life as the Michigan Secretary of State. That was a job where I had a principal responsibility as the chief elections officer of that State. During that time, we made constant attempts to increase voter participation and voter turn-out, particularly among young people. And I believe this bill does that.

Mr. Speaker, we must stand up for the right of freedom of speech and for the first amendment. I urge my colleagues to pass this bill.

Mr. SHAYS. Mr. Speaker, I urge my colleagues to oppose H.R. 1606, the so-called Online Freedom of Speech Act. The legislation will exempt the Internet from campaign finance laws, thus opening up a major loophole for unlimited union dues money, corporate treasury money and large individual donations to once again corrupt federal elections.

I understand that many web loggers are concerned that somehow campaign finance law will restrict their speech, and I believe allowing bloggers the assurance that they will not be so burdened is something that we can ensure. Unfortunately, H.R. 1606 goes far beyond exempting bloggers and allows federal candidates and political parties to again make use of soft money in federal campaigns.

That is why MARTY MEEHAN and I introduced legislation that would preserve the soft money ban and protect bloggers from unnecessary regulation. Because H.R. 1606 was consid-

ered under suspension of the rules, though, we were not allowed to offer this alternative approach. That is why we must defeat this bill.

If this law were to pass, a member of Congress could simply go to a large donor, corporation or union and control their spending of \$1 million in soft money to pay for political advertising all over the Internet.

This is precisely the type of behavior prevented when Congress passed the Bipartisan Campaign Reform Act in 2002. By all accounts, the law is working—despite concerns about the law being the death knell of the parties, the parties were strengthened as they raised more in hard money in 2004 than they raised in hard and soft money combined in 2002 and greatly expanded their donor base.

Once again, I urge my colleagues to oppose H.R. 1606 and oppose the return of corrupting soft money to our political process.

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today as a proud cosponsor of H.R. 1606, the Online Freedom of Speech Act, which is bipartisan and bicameral legislation offered by my colleagues, Mr. HENSARLING and Mr. WYNN, as well as the Minority Leader of the other body. That's across the aisle support we don't see often enough these days.

This bill is designed to protect the free speech rights of Americans whose only alleged crime is wanting to use the Internet to express their opinions. These individuals find themselves in jeopardy because an activist court decided to radically expand the meaning of a law beyond what Congress intended. The Court decided that the FEC, the agency in charge of regulating our election laws, was in error when it decided it did not have the authority to require the regulation of free speech on the Internet.

As a result of this ruling, all computer users and bloggers now stand to see their first amendment rights thrown out in the name of "freedom". The ruling effectively says that individuals have fewer free speech rights than giant media corporations that pay people to offer their opinions. Using this twisted logic, large newspapers and media companies oppose this bill because they fear the competition bloggers pose to them. I disagree with the mainstream media elites at the Washington Post and the New York Times who seem to think that an unregulated media is dangerous, unless it is them who are being regulated.

What is disturbing and dangerous to me, and to the constituents I represent in this House, is the ease with which so many advocate government regulation of speech.

Mr. Speaker, bloggers don't have to spend millions of dollars on printing presses, nor do they have to invest in TV or radio broadcast towers. They are able to share their opinions and ideas free of charge on the most powerful tool of free speech the world has ever known.

Bloggers are everyday citizens. They are our neighbors, friends, and coworkers who want to be able to share their ideas without asking permission from a gatekeeper in the mainstream media and certainly not from a government official. They are the historical descendants of Founding Fathers like Thomas Paine and other pamphleteers who contributed enormously to our democracy.

Mr. Speaker, I read a children's book called House Mouse Senate Mouse to school children across my district, to try to help them understand the government that we will one day to turn over to their care. It shocks me that

these schoolchildren have a better understanding of the meaning of the freedom of speech than some federal judges.

Mr. Speaker, we are trying to spread a message of hope, opportunity, and freedom around the world. I support this legislation so that we don't lose the ability to have that message shared among the American people.

Mr. CANNON. Mr. Speaker, today I rise in support of H.R. 1606, legislation that will exempt blogs, e-mail and other online speech from campaign finance laws.

When Congress passed campaign finance reform in 2002, the legislation did not identify political speech over the Internet as a target of the new regulations. The proponents of the law argued its intent was to restrict money not speech. But in April a federal judge sided with campaign finance reform zealots and ruled the FEC cannot completely exempt online speech from the requirements of the Campaign Finance Reform law.

I'm not here to revisit arguments for or against campaign finance reform.

I'm here today to call for Congress to recognize the Internet as a safe harbor for political speech.

Everyday thousands of bloggers register displeasure or support with Congress, the Supreme Court, the President, even their local elected officials.

But now, we are on the cusp of a new FEC regulation that could stifle free expression.

Without Congressional action today, arbitrary restrictions would be imposed on blogs and other web content deterring participation from the very segment of our population that we want to encourage to be politically active.

Thomas Jefferson was right when he said: "The basis of our government being the opinion of the people, the very first object should be to keep that right."

Mr. Speaker, this legislation will protect, in its infancy, what could be a powerful medium (or media) for the opinion of the people to be heard.

The way our Nation communicates today is almost unrecognizable for those of us that were in Washington, DC during the 1970s.

We have seen the innovation and democratization of the Internet in just the last decade. This legislation will promote democracy and shutter those who intend to manage through regulation this amazing engine of communication and knowledge.

The Internet, through such safe havens of individual expression and opinion like blogs, has put the power in the hands of the people, where it truly belongs, precisely where Thomas Jefferson wanted it.

I urge my colleagues to support this legislation and thank the gentleman from Texas (Mr. HENSARLING) for introducing this important bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PUTNAM). The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 1606.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MEEHAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DEPARTMENT OF VETERANS AFFAIRS INFORMATION TECHNOLOGY MANAGEMENT IMPROVEMENT ACT OF 2005

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4061) to amend title 38, United States Code, to improve the management of information technology within the Department of Veterans Affairs by providing for the Chief Information Officer of that Department to have authority over resources, budget, and personnel related to the support function of information technology, and for other purposes.

The Clerk read as follows:

H.R. 4061

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 "Department of Veterans Affairs Information Technology Management Improvement Act of 2005".

SEC. 2. MANAGEMENT OF INFORMATION TECHNOLOGY IN DEPARTMENT OF VETERANS AFFAIRS.

(a) **RESOURCES, BUDGET, AND PERSONNEL AUTHORITY OF CHIEF INFORMATION OFFICER.**—Section 310 of title 38, United States Code, is amended by adding at the end the following new subsections:

“(c) To support the economical, efficient, and effective execution of the information technology objectives, policies, and plans of the Department in support of Department goals, the Secretary shall ensure that the Chief Information Officer has the authority and control necessary for the development, approval, implementation, integration, and oversight of policies, procedures, processes, activities, and systems of the Department relating to the management of information technology for the Department, including the management of all related mission applications, information resources, personnel, and infrastructure.

“(d)(1) The Secretary, acting through the Chief Information Officer, shall develop, implement, and maintain a process for the selection and oversight of information technology for the Department.

“(2) As components of the development of the process required by paragraph (1), the Secretary shall develop for the Department—

“(A) an information technology strategic plan that includes performance measurements; and

“(B) an integrated enterprise architecture.

“(3) The information technology strategic plan shall set forth a multiyear plan for the use of information technology and related resources to support the accomplishment of the Department's mission.

“(4) The Chief Information Officer shall review and update the information technology strategic plan and the integrated enterprise architecture on an ongoing basis to maintain the currency of the plan and the currency of the enterprise architecture with technological changes and changing mission needs of the Department.

“(e)(1) Funds may be obligated for information technology for the Department only in accordance with the process implemented

under paragraph (1) or as otherwise specifically authorized or delegated by the Chief Information Officer or as otherwise directed by the Secretary.

“(2)(A) Amounts appropriated for the Department for any fiscal year that are available for information technology shall be allocated within the Department, consistent with the provisions of appropriations Acts, in such manner as may be specified by, or approved by, the Chief Information Officer.

“(B) If for any fiscal year amounts referred to in subparagraph (A) that are available for the Veterans Health Administration (or are otherwise available for functions relating to medical care) are to be allocated under subparagraph (A) in a manner that is inconsistent with the allocation method known as the Veterans Equitable Resource Allocation, such allocation may be made only with the approval of the Secretary and after the Under Secretary for Health is notified.

“(3) When the budget for any fiscal year is submitted by the President to Congress under section 1105 of title 31, the Secretary shall submit to Congress a report that identifies amounts requested for information technology for the Department. The report shall set forth those amounts both for each Administration within the Department and for the Department in the aggregate and shall identify, for each such amount, how that amount is aligned with and supports the information technology strategic plan under subsection (d), as then in effect.

“(f)(1) The Chief Information Officer shall select the Chief Information Officer for each of the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration. Any such selection may only be made after consultation with the Under Secretary with responsibility for the Administration for which the selection is to be made.

“(2) Each Administration Chief Information Officer selected under paragraph (1)—

“(A) shall be designated as a Department Deputy Chief Information Officer; and

“(B) shall report to the Department Chief Information Officer.

“(3) The Department Deputy Chief Information Officers are responsible for implementing in their respective Administrations, as directed by the Department Chief Information Officer, the information technology strategic plan and the integrated enterprise architecture developed for the Department by the Department Chief Information Officer pursuant to subsection (d)(2).

“(4) To accomplish the policies, programmatic goals, information technology system acquisitions, and alignments prescribed, authorized, or directed by the Department Chief Information Officer, each Department Deputy Chief Information Officer shall maintain, for their respective Administrations, operational control of all information technology system assets and personnel necessary, including direct management of the Administration's software and applications development activities.

“(5) The Department Deputy Chief Information Officers—

“(A) shall be the principal advocate for the information technology needs of their respective Administrations; and

“(B) shall assure, by coordinating with the Department Chief Information Officer, that the business and mission needs of their respective Administrations are met by considering requirements at all levels.

“(g)(1) The Secretary shall ensure that the annual report submitted by the Secretary pursuant to section 11313 of title 40 includes an identification of any obligation approved by the Chief Information Officer under subsection (e)(1), including the date, amount, and purpose of such obligation.