

109TH CONGRESS
2D SESSION

H. R. 4900

To amend the Federal Election Campaign Act of 1971 to exclude certain communications made over the Internet from certain requirements of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 8, 2006

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

A BILL

To amend the Federal Election Campaign Act of 1971 to exclude certain communications made over the Internet from certain requirements of such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Internet Free Speech
5 Protection Act of 2006”.

1 **SEC. 2. EXCLUSION OF INTERNET COMMUNICATIONS FROM**
2 **TREATMENT AS PUBLIC COMMUNICATIONS.**

3 Section 301(22) of the Federal Election Campaign
4 Act of 1971 (2 U.S.C. 431(22)) is amended—

5 (1) by striking “The term” and inserting “(A)
6 The term”; and

7 (2) by adding at the end the following new sub-
8 paragraph:

9 “(B) The term ‘public communication’
10 does not include any communication made over
11 the Internet, other than any of the following:

12 “(i) Any communication placed by a
13 person on another person’s website, if the
14 aggregate amount spent for such commu-
15 nications exceeds \$5,000 during the cal-
16 endar year.

17 “(ii) Any communication made by a
18 State, district, or local committee of a po-
19 litical party described in section 323(b).

20 “(iii) A communication made by any
21 political committee.

22 “(iv) A communication made by any
23 person described in section 316 (other than
24 a corporation described in such section
25 whose principal purpose is operating an
26 online discussion forum or disseminating

1 social or political ideas or commentary
2 through operation of a website, web log,
3 podcast, or other similar forms of Internet
4 communication and which is not estab-
5 lished, financed, maintained or controlled
6 by a labor organization or by another cor-
7 poration without such a principal pur-
8 pose).”.

9 **SEC. 3. EXCLUSION OF INTERNET COMMUNICATIONS FROM**
10 **CERTAIN REPORTING AND DISCLAIMER RE-**
11 **QUIREMENTS.**

12 (a) REPORTS BY PERSONS MAKING INDEPENDENT
13 EXPENDITURES.—Section 304(c)(1) of the Federal Elec-
14 tion Campaign Act of 1971 (2 U.S.C. 434(c)(1)) is
15 amended—

16 (1) by striking “(c)(1)” and inserting
17 “(c)(1)(A)”; and

18 (2) by adding at the end the following new sub-
19 paragraph:

20 “(B) In the case of an individual, in determining the
21 aggregate amount or value of independent expenditures
22 made by the individual in a calendar year for purposes
23 of subparagraph (A), there shall be excluded up to an an-
24 nual aggregate amount of \$5,000 for communications
25 made over the Internet.”.

1 (b) DISCLAIMERS ON UNAUTHORIZED ADVERTISE-
 2 MENTS AND SOLICITATIONS.—Section 318(a)(3) of such
 3 Act (2 U.S.C. 441d(a)(3)) is amended by striking the pe-
 4 riod at the end and inserting the following: “, except that
 5 no such information shall be required in any communica-
 6 tion made over the Internet by an individual during any
 7 calendar year for which the aggregate amount paid by
 8 such individual for such communications does not exceed
 9 \$5,000.”.

10 **SEC. 4. EXCLUSION OF EXPENDITURES ON INTERNET COM-**
 11 **MUNICATIONS FROM DETERMINATION OF**
 12 **THRESHOLD FOR REGISTRATION OF POLIT-**
 13 **ICAL COMMITTEES.**

14 Section 301(4) of the Federal Election Campaign Act
 15 of 1971 (2 U.S.C. 431(4)) is amended—

16 (1) by redesignating subparagraphs (A), (B),
 17 and (C) as clauses (i), (ii), and (iii);

18 (2) by striking “(4)” and inserting “(4)(A)”;
 19 and

20 (3) by adding at the end the following new sub-
 21 paragraph:

22 “(B) In determining the amount of con-
 23 tributions or expenditures made for purposes of
 24 this paragraph, there shall be excluded up to an
 25 annual aggregate amount of \$10,000 for Inter-

net-related expenses such as expenses for Internet access and hosting services, creation of an Internet site, and creating, hosting, or participating in an online discussion using blogging or other software.”.

SEC. 5. INCLUSION OF ONLINE MEDIA WITHIN EXEMPTION FROM TREATMENT AS EXPENDITURES OF STORIES AND COMMENTARIES APPEARING IN MEDIA.

Section 301(9)(B)(i) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(i)) is amended by striking “or other periodical publication,” and inserting the following: “other periodical publication, or Internet site or service,”.

SEC. 6. INDEXING OF AMOUNTS.

Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) is amended by adding at the end the following new section:

“INDEXING OF CERTAIN AMOUNTS

“SEC. 325. (a) INDEXING.—

“(1) IN GENERAL.—In any calendar year after 2008, each of the following amounts shall be increased by the inflation adjustment described in subsection (b):

“(A) The amount referred to in section 301(4)(B) (relating to the exclusion of expendi-

1 tures on Internet communications from the de-
 2 termination of the threshold for registration of
 3 political committees).

4 “(B) The amount referred to in section
 5 301(22)(B)(i) (relating to the exclusion of
 6 Internet communications from treatment as
 7 public communications).

8 “(C) The amount referred to in section
 9 304(c)(1)(B) (relating to the exclusion of ex-
 10 penditures on Internet communications from
 11 the determination of the threshold for the filing
 12 of reports on independent expenditures).

13 “(D) The amount referred to in section
 14 318(a)(3) (relating to disclaimers in commu-
 15 nications made over the Internet).

16 “(2) APPLICATION IN ODD-NUMBERED
 17 YEARS.—Increases made under this subsection shall
 18 only be made in odd-numbered years and such in-
 19 creases shall remain in effect for the 2-year period
 20 beginning on the first day following the date of the
 21 last general election in the year preceding the year
 22 in which the amount is increased and ending on the
 23 date of the next general election.

24 “(b) INFLATION ADJUSTMENT DESCRIBED.—In sub-
 25 section (a), the ‘inflation adjustment’ is the percent dif-

1 ference determined under section 315(c)(1)(A), except
2 that for purposes of this subsection, the base period under
3 such section shall be 2007.”.

4 **SEC. 7. PUBLICATION BY FEDERAL ELECTION COMMISSION**
5 **OF GUIDELINE ON INDIVIDUAL INTERNET AC-**
6 **TIVITIES.**

7 Not later than 150 days after the date of the enact-
8 ment of this Act, the Federal Election Commission shall
9 publish a single policy guideline for the use of individuals
10 engaging in online communications which describes in
11 plain language the rules and regulations applicable under
12 the Federal Election Campaign Act of 1971 to individual
13 Internet activity.

14 **SEC. 8. EFFECTIVE DATE.**

15 The amendments made by this Act shall take effect
16 on the date of the enactment of this Act.

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