

110TH CONGRESS
2D SESSION

H. R. 5699

To amend the Federal Election Campaign Act of 1971 to protect uncompensated Internet activity by individuals from treatment as a contribution or expenditure under the Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2008

Mr. HENSARLING (for himself, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. BROWN of Georgia, Mr. CAMPBELL of California, Mr. CANNON, Mr. CANTOR, Mr. DAVID DAVIS of Tennessee, Ms. FALLIN, Mr. FEENEY, Mr. FLAKE, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. HOEKSTRA, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. MARCHANT, Mr. MCCARTHY of California, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. PAUL, Mr. PENCE, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SHADEGG, Mr. TANCREDO, Mr. WALBERG, and Mr. WILSON of South Carolina) 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 protect uncompensated Internet activity by individuals from treatment as a contribution or expenditure under the 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Blogger Protection Act
3 of 2008”.

4 **SEC. 2. EXEMPTION OF UNCOMPENSATED INDIVIDUAL**
5 **INTERNET ACTIVITY FROM TREATMENT AS**
6 **CONTRIBUTION OR EXPENDITURE.**

7 (a) EXEMPTIONS.—

8 (1) EXEMPTION FROM TREATMENT AS CON-
9 TRIBUTION.—Section 301(8)(B) of the Federal Elec-
10 tion Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is
11 amended—

12 (A) by striking “and” at the end of clause
13 (xiii);

14 (B) by striking the period at the end of
15 clause (xiv) and inserting “; and”; and

16 (C) by adding at the end the following new
17 clause:

18 “(xv) any uncompensated personal services re-
19 lated to Internet activities, or use of equipment or
20 services for uncompensated Internet activities, that
21 are engaged in by any individual, group of individ-
22 uals, or corporation wholly owned by one or more in-
23 dividuals that engages primarily in Internet activi-
24 ties and does not derive a substantial portion of its
25 revenue from sources other than income from its
26 Internet activities, other than—

1 “(I) any payment for a public communica-
2 tion (other than a nominal fee),

3 “(II) any payment for the purchase or
4 rental of an email address list made at the di-
5 rection of a political committee, or

6 “(III) any payment for an email address
7 list that is transferred to a political com-
8 mittee.”.

9 (2) EXEMPTION FROM TREATMENT AS EXPEND-
10 ITURE.—Section 301(9)(B) of such Act (2 U.S.C.
11 431(9)(B)) is amended—

12 (A) by striking “and” at the end of clause
13 (ix);

14 (B) by striking the period at the end of
15 clause (x) and inserting “; and”; and

16 (C) by adding at the end the following new
17 clause:

18 “(xi) any uncompensated personal services re-
19 lated to Internet activities, or use of equipment or
20 services for uncompensated Internet activities, that
21 are engaged in by any individual, group of individ-
22 uals, or corporation wholly owned by one or more in-
23 dividuals that engages primarily in Internet activi-
24 ties and does not derive a substantial portion of its

1 revenue from sources other than income from its
 2 Internet activities, other than—

3 “(I) any payment for a public communica-
 4 tion (other than a nominal fee),

5 “(II) any payment for the purchase or
 6 rental of an email address list made at the di-
 7 rection of a political committee, or

8 “(III) any payment for an email address
 9 list that is transferred to a political com-
 10 mittee.”.

11 (b) INTERNET ACTIVITY DEFINED.—Section 301 of
 12 such Act (2 U.S.C. 431) is amended by adding at the end
 13 the following new paragraph:

14 “(27) INTERNET ACTIVITY.—The term ‘Internet ac-
 15 tivity’ includes sending or forwarding electronic messages,
 16 providing a hyperlink or other direct access to another per-
 17 son’s Web site, blogging, creating, maintaining, or hosting
 18 a Web site, paying a nominal fee for the use of another
 19 person’s Web site, and any other form of communication
 20 distributed over the Internet.”.

21 **SEC. 3. COVERAGE OF BLOGS AND OTHER INTERNET AND**
 22 **ELECTRONIC PUBLICATIONS UNDER GEN-**
 23 **ERAL MEDIA EXEMPTION.**

24 Section 301(9)(B)(i) of the Federal Election Cam-
 25 paign Act of 1971 (2 U.S.C. 431(9)(B)(i)) is amended by

- 1 inserting “including any Internet or electronic publication
- 2 (including a blog),” after “periodical publication,”.

