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Public Works Projects for the Internet

July 8, 2008

The Honorable Robert Brady, Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515-6157

Subj: Franking Commission Recommendations

Dear Chairman Brady:

I am writing to you today on the subject of the recommendations of the Franking Commission forwarded to you on June 24, 2008 by the Honorable Michael E. Capuano. There has been a great deal of controversy in the blogosphere on those recommendations and I appreciate the opportunity to comment today to you on those recommendations.

As you know, the Committee on House Administration and 3 other committees allowed Public.Resource.Org to conduct a very successful pilot project earlier this year which demonstrated the utility of posting broadcast-quality video from hearings for download on the Internet. As you also know, I have spent several years on the subject of U.S. House webcasting including authoring a Report to the Speaker on the subject.

The Congressional Commission on Mailing Standards (Franking Commission) was charged with updating a series of decades-old rules in light of changes brought by the Internet. In particular, the use of outside web sites to contain material pertaining to member official communications—posting a video on YouTube, for example—had not been contemplated in earlier regulations meant to make sure those communications maintain the dignity, propriety, and decorum of the House.

These new rules being contemplated were reported by the Washington Post under the headline "Et Tu, YouTube" and left the assumption that members were going to be authorized only to post on YouTube. Our FedFlix program, in which the Committee on House Administration participated in the pilot phase, uses not only YouTube but also nonprofit sites such as the Internet Archive. I wrote to Speaker Pelosi on April 11, 2008, and she responded April 17 with reassurances that the rules would be non company specific and also passed on her kind words on FedFlix, calling it "a wonderful program and one that I will certainly make my colleagues aware of."

I was thus very pleased to see Congressman Capuano's recommendations to the Committee on House Administration and for the most part feel that they are very well thought out and do indeed contain "standards that reflect favorably on the dignity,

propriety, and decorum of the House.” For example, the requirement for an “exit notice” when leaving House.Gov is quite reasonable, as are the general principles requiring that “to the maximum extent possible, the official content should not be posted on a website or page where it may appear with commercial or political information.”

These standards make sound technical sense, and nowhere in the recommendations do I see any indication, as some have posted in the blogosphere, that specific postings by Members be approved in advance or that services such as Twitter will be prohibited. The recommendations contain no bans on tweeting, mash-ups, or other such service restrictions and speak instead in general terms such as “decorum.”

The one place where I would like to sound a word of caution is the requirement that a House entity maintain a list of external sites that meet whatever requirements are established by CHA. Companies such as Google, Yahoo, and Microsoft maintain large offices inside the Washington, D.C. beltway and no doubt have the resources to get themselves certified for such a list.

Requiring prior certification is an approach that will discriminate against the large vibrant community that lives outside the corporate world and will certainly tie the hands of members of Congress who wish to work with those communities. Instead of requiring certification of specific institutions the Committee should consider an approach based on standards, such as those already contained in Congressman Capuano’s letter.

The Franking Commission recommendations will allow members to more fully utilize the world of “Web 2.0” which allows content to be placed in a “cloud” instead of on a single set of computers. It frees the computer personnel in the U.S. House from meeting every single new requirement from members, and gives members important flexibility to communicate their official work to the public.

Just as important as the updating of the rules are for individual member sites, they are equally important on the subject of dissemination of video from committee hearings, a topic with which I have been in frequent contact with committee and house staff members. We are anxious to proceed with the FedFlix program, which would use existing resources at no cost to the government to quickly create significant archives of committee proceedings.

Yours sincerely,

Carl Malamud
President & CEO
Public.Resource.Org