

House Communications Standards Commission

# The House of Representatives Communications Standards Manual



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## Purpose

The House Communications Standards Commission (“Commission”) operates pursuant to the authority set forth in Title 2, Chapter 16 of the U.S. Code. The regulations in this manual are issued under that authority and are consistent with the laws governing the use and content of franked mail and communications in Title 39, Chapter 32 of the U.S. Code. These regulations supersede the *Regulations on the Use of the Congressional Frank* dated July 2017.

## Jurisdiction of the House Communications Standards Commission

The Commission shall regulate official office communications, including, but not limited to, postal mail, electronic mail, handouts, text messages (and similar electronic messaging methods), advertisements (including digital, newspaper, radio, and television), robo calls, and other paper-based, telecommunications-based, and digital communications.

## Authorized Users of the Franked Mail and Other Official Communications Resources

The frank is not free postage. The costs associated with delivering franked mail are paid with taxpayer dollars out of the official funds of the office of the authorized user of the frank and other official communications.

The frank may not be used to send materials outside the United States unless the address is an Army Post Office or Fleet Post Office address.

The following are authorized users of the frank and other official communications resources:

1. Representative, Delegate, or Resident Commissioner. In the case of a disaster or other threat to life safety, authorized users of the frank may use the frank on behalf of a vacant Congressional office.
2. Representative-elect, Delegate-elect, or Resident Commissioner-elect.
3. The Chair, Ranking Member, or any other Member of such committee, subcommittee, or commission.<sup>1</sup>
4. The Clerk of the House, Sergeant at Arms, Chief Administrative Officer, and Chaplain.
5. The Legislative Counsel of the House and the Law Revision Counsel of the House.
6. Any authorized person in the case of a vacancy in the offices of bullets 3 and 4 above under authority of section 3210(b)(2).
7. The designated survivor of a Representative, Delegate, or Resident Commissioner who died during his or her term of office, for not more than 180 days afterward, consistent with section 3218.
8. Democratic Caucus and Republican Conference or a committee, subcommittee, or other body established thereunder created by order of the Congress, composed only of Members of Congress (excluding Eligible Congressional Member Organizations or “ad hoc” groups of Members whose business relates to party policy, special interest, or regional matters).

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<sup>1</sup> Subject to committee funding and expense resolutions.

## General Rules

- Official communications may only be used for official Congressional business, as defined in the *General Content* section, below.
- Official communications resources may not be used for the personal business of the sender. Official communications resources may not be used by or on behalf of non-governmental organizations.
- Communications must not be targeted based on political party affiliation.
- Unsolicited mass communications must serve the district in which the Member represents, and to the greatest extent possible, shall not be targeted outside of the Member's district.
- When using resources that render targeting to specific mailing addresses in the district unfeasible (such as radio, television, or newspaper ads), best efforts must be made to ensure the communication is distributed to as few individuals outside the district as possible.

## General Content

All content in official communications must be related to official business. Official business includes matters which relate directly or indirectly to: the legislative process, congressional functions generally, constituent services, the day-to-day operations of Congress, Federal issues of public concern, actions taken as a representative of the district from which the Member is elected, requests for public opinion of constituents regarding policy issues, and the facilitation of interaction between constituents and the Federal government. All official communications must be consistent with applicable Federal laws, House rules and Committee on House Administration regulations.

## Political and Personal Material

- Official communications should not be used for political or personal business.
- Biographical information related to official representational duties is permitted.
- No campaign content or electioneering.
- No fundraising.
- No content developed using campaign resources.
- No personal correspondence or endorsements unrelated to official business, except that a personal greeting to a constituent is permitted.
- No political campaign endorsements, including both positive endorsements and opposition.
- No endorsement or promotion of non-governmental companies, products, or services, including charitable organizations.
- No voting recommendations with respect to public elections.
- No grassroots calls to action or grassroots lobbying.
- No content laudatory of a Member on a personal or political basis.
- No greetings from spouse/family, except as otherwise allowed by law or regulation.
- No unsourced graphs, charts, or statistics on policies.
- No references to current candidates for the Member's seat, other than the Member.
- No cards with holiday greetings. Incidental holiday mentions are permissible.<sup>2</sup>

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<sup>2</sup> Any card using the frank to express holiday greetings from a Representative is prohibited. This applies to postcards, newsletters, and calendars. Incidental holiday greetings are permissible in all other forms of communication. Holiday colors, and illustrations are not permitted on unsolicited mass communications. Examples of incidental greetings include salutations, signatures, and other minimized uses.

### Political and Personal Material (*continued*)

- Questionnaires or surveys soliciting constituent answers to multiple choice questions other than “yes or no” questions must also include an option to select “other.”
- No petitions.

### Photos or Likeness

- Members may not use official communications to provide visual misrepresentations of other individuals, including but not limited to “deep fake” technology.
- No family photos unrelated to the conduct of official business.
- Members may include photos of themselves in the performance of official business.

### Decorum and Civility

- Official communications critical of policy may not be personalized or politicized, and may not be used to disparage Members, other individuals or political parties. For purposes of this rule, “disparage” shall include, but not be limited to, personal insults, ad hominem attacks or attacks on a person’s character.
- No speculation as to motivation/intent of individuals.
- Ideological criticism is permitted (“liberal” “conservative” “left” “right”) insofar as such criticism does not amount to a personal / ad hominem attack.

### Voter Information

- Voter information should only be provided if it is prepared and distributed in a nonpartisan manner.
- If the content consists solely of voter information, it should not contain a picture or likeness of the Member.

### Hyperlinks

- Hyperlinks should only link to official government websites and information relevant to official business, and be consistent with applicable House rules and regulations such as the Code of Official Conduct.
- Digital advertisements can only hyperlink to government managed content.
- Other non-advertisement digital communications may link to non-government pages for the purposes of providing statistical sources, or otherwise relevant information related to the conduct of official business.

### Subscribed Communications

- Members may send subscribed communications without first obtaining an advisory opinion if the contents adhere to Commission Regulations.
- A subscribed communication is a communication sent to individuals who have taken an affirmative step to subscribe to the Member’s communication. Members must notify individuals who subscribe to communications that the individual is authorizing the Member to send regular communications to the individual and detail the method of unsubscribing. To the extent in which the communication method allows, a clear method of unsubscribing must be included in every communication sent to subscribers.

## Websites and Social Media

Websites and social media content must be related to official business representational duties and comply with all applicable Federal laws and House rules.

## Definition of the Mass Communication

A mass communication is defined as: a) any distribution of substantially identical content (whether such communication is distributed singly or in bulk, or at the same time or different times), regardless of the means of the distribution, to 500 or more persons in a session of Congress; or b) any digital communication of substantially identical content where the cost of such content is \$500.00 or greater.

## Advisory Opinions

Under its authority, the Commission has delegated to the Commission staff the initial authority to issue Advisory Opinions to Member and Committee offices regarding whether a proposed official communication complies with applicable provisions of law, rule or regulation, and may delegate the authority to review complaints.

The Commission intends to update its procedures for obtaining an Advisory Opinion. Until such new procedures are adopted, the Procedures for Obtaining a Franking Staff Advisory Opinion, effective October 2, 2017, shall remain in effect.

All unsolicited mass communications must receive an Advisory Opinion from the Commission. Exemptions would include:

- Direct responses to incoming correspondence on official business. Follow-up responses are permitted if such follow-ups describe specific Federal government action relevant to the original incoming correspondence. Such follow-up responses are only proper if provided during the same Congress as the initial response.
- Communications to individuals who took a willful act to opt-in or subscribe to receive updates from an authorized user's specific communications resource.
- Communications to federal, state or local government agencies or officials.
- Communications to the media.
- Digital content posted online where the cost of the promotion of such content is less than \$500.00 (Member official social media, op-eds, website content, etc.).
- Official communications in which no direct cost to the MRA is incurred for the specific communication would not require an Advisory Opinion, however, such communications would still be subject to the election moratoria referenced below. Within two business days an official communication in which no direct cost to the MRA is incurred, the Member must notify the Commission and provide the communication. A copy of this notice and communication shall be included in the permanent records of the Commission and the Legislative Resource Center.
- Official communications exempted from the Advisory Opinion requirement remain subject to all other Commission rules.

## Templates

A Member may submit a single request for an Advisory Opinion on the compliance of a Template of a recurring communication to be used over the course of the current Congress. The Advisory Opinion issued may be applied to each subsequent use of the template in that Congress as long as no substantive changes are made, or in the case of a recurring official event, no changes are made other than the date, time, and location of an event.

The Commission may also issue pre-approved Template language to be used universally by any Member.

Within two business days of a subsequent use of an approved Template, the Member must notify the Commission in accordance with the Procedures for Use of a Pre-Approved Template. A copy of this notice shall be included in the permanent records of the Commission and the Legislative Resource Center.

## Postage

Postal expenses incurred only when the frank is insufficient, such as certified, registered, insured, express, foreign mail, and stamped, self-addressed envelopes related to the recovery of official items, are reimbursable. Postage may not be used in lieu of the frank. All mailings initiated by a Member must comply with the Commission Regulations.

Members must return unused postage stamps to CAO First Call (202-225-8000) at the end of a Member's service in the House.

Postage expenses up to \$100.00 per month are reimbursable to return items not authorized as gifts under House rules for purposes of returning the item(s) to the donor.

## Required Disclaimers

Mass communications must make clear that the communication is coming from an official source.

Members must disclose, within a television and radio advertisement, the source of payment for the official advertisements. Members must disclose the source of the payment for official mass postal mail on its face,<sup>3</sup> or on the envelope or outside cover or wrapper in which the mail matter is sent and may be no smaller than 7 point type. Members may use any of the following:

1. "Paid for with official funds from the office of [Member's name]."
2. "Paid for by the funds authorized by the House of Representatives for the [district number] District of [name of state]."
3. "Paid for by official funds authorized by the House of Representatives."

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<sup>3</sup> All unused mass mail matter (including but not limited to letterhead, blank postcards, and envelopes) that were approved by the Commission or were printed by the U.S. House of Representatives (including but not limited to the U.S. Government Publishing Office and the Legislative Resource Center) prior to January 3, 2021 which contains the previous Mass Mail Statement language, "This mailing was prepared, published, and mailed at taxpayer expense" will be viewed as fulfilling the disclaimer obligation and are permitted for distribution until such backstock of matter is depleted.

## Moratoria “Blackout Dates”

- No unsolicited mass communication, including mass e-mails, follow ups on legislative issues, and any digital advertisement regardless of cost (excluding any exceptions as described below), may be distributed during the 60-day period which ends on the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate. This does not include a convention or caucus of a political party which has authority to nominate a candidate. No moratorium exists if the Member’s name does not appear on a ballot.
- Committee Members may not send unsolicited mass communications into congressional districts in within 90 days immediately before the date of any primary or general election for the U.S. House of Representatives.

Section 3210(a)(6)(A)(i) provides that mass mailings may not be sent as franked mail if postmarked during the 60-day period which ends on the date of any primary election or general election (whether regular, special, or runoff) in which the Member is a candidate for reelection. The Commission interprets this provision as prohibiting any unsolicited mass communication on the day of the relevant election.

## Exceptions

Section 3210(a)(6)(E) provides four exceptions to the mass mail prohibition prior to elections:

- (i) direct response to inquiries or requests from the persons to whom the matter is mailed;
- (ii) communications to colleagues in Congress or to government officials (whether Federal, state, local, Tribal); and
- (iii) news releases to the communications media.
- (iv) mass communications related to officially-sanctioned Competitions, Military Academy nominations, official House office employment listings (including listings for the Wounded Warrior Program and Gold Star Family Fellowship Program), and information in the event of a disaster or other threat to life safety. Unsolicited mass communications on these matters would still require an Advisory Opinion prior to distribution regardless of cost.

Additional exemptions to unsolicited mass communications which would not be physically mailed include:

- (v) mass communications to a subscribed list of recipients.

In accordance with Section 3210(a)(6)(D) of title 39, the Commission may waive the blackout restriction for unsolicited postal mail sent in response to or to address threats to life safety.

## Complaints

### Procedures

Section 501(e) of such Act (2 U.S.C. 501(e)) authorizes the Commission to review any complaint by any person that a violation of any section of title 39 referred to in subsection 2 U.S.C. 501(d) (or any other Federal law which does not include any criminal penalty or any rule of the House of Representatives relating to official communications) is about to occur, or has occurred within the immediately preceding period of one year, by any person referred to in such subsection (d).

The Commission will review all complaints in accordance to the *Rules of Practice and Procedures of the House Communications Standards Commission*.

### Violations

Violations of the regulations set forth in this handbook may result in disciplinary action. The Commission shall have discretion, after considering severity of the violation, intent and other relevant factors as determined by the Commission, to apply penalties as it sees fit.

Examples of possible penalties include, but are not limited to, written warnings, suspension of official mass communication privileges, mandatory briefings from the Commission and public disclosure of the violation.

## Commission Records

Within 30 days of enactment, Advisory Opinions and Rulings shall be made available to the public through procedures determined by the Commission.

The Commission shall comply with the recordkeeping requirements set forth in 2 U.S.C. § 501(g) and any applicable House rule.