

116TH CONGRESS
2D SESSION

H. R. 7512

To rename the House Commission on Congressional Mailing Standards as the House Communications Standards Commission, to extend the authority of the Commission to regulate mass mailings of Members and Members-elect of the House of Representatives to all unsolicited mass communications of Members and Members-elect of the House, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2020

Mrs. DAVIS of California (for herself, Mr. STEIL, Ms. LOFGREN, Mr. RODNEY DAVIS of Illinois, Mr. SHERMAN, Ms. HAALAND, Mr. WALKER, and Mr. LOUDERMILK) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Oversight and Reform, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To rename the House Commission on Congressional Mailing Standards as the House Communications Standards Commission, to extend the authority of the Commission to regulate mass mailings of Members and Members-elect of the House of Representatives to all unsolicited mass communications of Members and Members-elect of the House, 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 “Communications Out-
3 reach Media and Mail Standards Act” or the “COMMS
4 Act”.

5 **SEC. 2. RENAMING HOUSE COMMISSION ON CONGRES-**
6 **SIONAL MAILING STANDARDS.**

7 (a) IN GENERAL.—Section 5(a) of the Act entitled
8 “An Act to amend title 39, United States Code, to clarify
9 the proper use of the franking privilege by Members of
10 Congress, and for other purposes”, approved December
11 18, 1973 (2 U.S.C. 501(a)), is amended by striking
12 “House Commission on Congressional Mailing Standards”
13 and inserting “House Communications Standards Com-
14 mission”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) TITLE 39.—Title 39, United States Code, is
17 amended by striking “House Commission on Con-
18 gressional Mailing Standards” and inserting “House
19 Communications Standards Commission” each place
20 it appears in the following sections:

21 (A) Section 3210(a)(5), (a)(6)(D), (b)(3),
22 (d)(5), and (d)(6)(A).

23 (B) Section 3216(e)(1) and (e)(2).

24 (C) Section 3220(b).

25 (2) OTHER PROVISIONS.—Section 311 of the
26 Legislative Branch Appropriations Act, 1991 (2

1 U.S.C. 503) is amended by striking “House Com-
2 mission on Congressional Mailing Standards” and
3 inserting “House Communications Standards Com-
4 mission” each place it appears in subsections (a)(3),
5 (e)(1)(B), and (f).

6 (c) REFERENCES IN OTHER DOCUMENTS.—Any ref-
7 erence in any rule, regulation, or other document to the
8 House Commission on Congressional Mailing Standards
9 shall be deemed to be a reference to the House Commu-
10 nications Standards Commission.

11 **SEC. 3. AUTHORITY OF COMMISSION OVER OFFICIAL MASS**
12 **COMMUNICATIONS.**

13 (a) AUTHORITY TO PROVIDE GUIDANCE REGARDING
14 DISSEMINATION OF MASS COMMUNICATIONS.—

15 (1) IN GENERAL.—Section 5(d) of the Act enti-
16 tled “An Act to amend title 39, United States Code,
17 to clarify the proper use of the franking privilege by
18 Members of Congress, and for other purposes”, ap-
19 proved December 18, 1973 (2 U.S.C. 501(d)), is
20 amended—

21 (A) in the first sentence, by striking “The
22 Commission” and inserting “(1) The Commis-
23 sion”; and

24 (B) by adding at the end the following new
25 paragraph:

1 “(2) In addition to the guidance, assistance, ad-
2 vice, and counsel described in paragraph (1), the
3 Commission shall provide—

4 “(A) guidance, assistance, advice, and
5 counsel, through advisory opinions or consulta-
6 tions, in connection with any law and with any
7 rule or regulation of the House of Representa-
8 tives governing the dissemination of mass com-
9 munications other than franked mail; and

10 “(B) guidance, assistance, advice, and
11 counsel in connection with any law and with
12 any rule or regulation of the House of Rep-
13 resentatives governing the official content of
14 other official communications of any quantity,
15 whether solicited or unsolicited.”.

16 (2) AUTHORITY TO INVESTIGATE COM-
17 PLAINTS.—Section 5(e) of such Act (2 U.S.C.
18 501(e)) is amended—

19 (A) in the first sentence, by striking “Any
20 complaint” and all that follows through “is
21 about to occur” and inserting the following:
22 “Any complaint that a violation of any provi-
23 sion of law or any rule or regulation of the
24 House of Representatives to which subsection
25 (d) applies is about to occur”; and

(B) in the sentence beginning with “Notwithstanding any other provision of law”, by striking “a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (d) of this section as entitled to send mail as franked mail,” and inserting “a violation of any provision of law or any rule or regulation of the House of Representatives to which subsection (d) applies,”.

(3) MASS COMMUNICATION DEFINED.—Section 5 of such Act (2 U.S.C. 501) is amended by adding at the end the following new subsection:

“(h) In this section, the term ‘mass communication’ means a mass mailing described in section 3210(a)(6)(E) of title 39, United States Code, or any other unsolicited communication of substantially identical content which is transmitted to 500 or more persons in a session of Congress, as provided under regulations of the Commission, except that such term does not include—

“(1) any communication from an individual described in subsection (d) to another individual described in subsection (d), a Senator, or any Federal, State, local, or Tribal government official;

“(2) any news release to the communications media;

1 “(3) any such mass mailing or unsolicited com-
2 munication made in direct response to a communica-
3 tion from a person to whom the mass mailing or un-
4 solicited communication was transmitted; or

5 “(4) in the case of any such unsolicited commu-
6 nication which is transmitted in a digital format, a
7 communication for which the cost of the content is
8 less than a threshold amount established under reg-
9 ulations of the House Communications Standards
10 Commission.”.

11 (b) AUTHORITY TO REVIEW ALL UNSOLICITED MASS
12 COMMUNICATIONS.—

13 (1) REQUIRING REVIEW BEFORE DISSEMINA-
14 TION.—Section 311(f) of the Legislative Branch Ap-
15 propriations Act, 1991 (2 U.S.C. 503(f)) is amend-
16 ed—

17 (A) by striking “any mass mailing” and in-
18 serting “any mass communication”;

19 (B) by striking “mail matter” and insert-
20 ing “matter”; and

21 (C) by striking “such proposed mailing”
22 and inserting “such proposed communication”.

23 (2) EXCEPTION FOR CERTAIN COMMUNICA-
24 TIONS.—Section 311(f) of such Act (2 U.S.C.
25 503(f)) is amended—

1 (A) by striking “A Member” and inserting
2 “(1) Except as provided in paragraph (2), a
3 Member”; and

4 (B) by adding at the end the following new
5 paragraph:

6 “(2) Paragraph (1) does not apply in the case of any
7 type of mass communication which is designated as ex-
8 empt from the requirements of such paragraph as pro-
9 vided under regulations of the House Communications
10 Standards Commission.”.

11 (3) DEFINITION.—Section 311(g) of such Act
12 (2 U.S.C. 503(g)) is amended—

13 (A) by striking “and” at the end of para-
14 graph (1);

15 (B) by striking the period at the end of
16 paragraph (2) and inserting “; and”; and

17 (C) by adding at the end the following new
18 paragraph:

19 “(3) the term ‘mass communication’ means a
20 mass mailing described in section 3210(a)(6)(E) of
21 title 39, United States Code, or any other unsolic-
22 ited communication of substantially identical content
23 which is transmitted to 500 or more persons in a
24 session of Congress, as provided under regulations of

1 the House Communications Standards Commission,
2 except that such term does not include—

3 “(A) any communication from a Member
4 of the House of Representatives to another
5 Member of the House of Representatives, a
6 Senator, or any Federal, State, or local govern-
7 ment official;

8 “(B) any news release to the communica-
9 tions media;

10 “(C) any such mass mailing or unsolicited
11 communication made in direct response to a
12 communication from a person to whom the
13 mass mailing or unsolicited communication was
14 transmitted; or

15 “(D) in the case of any such unsolicited
16 communication which is transmitted in a digital
17 format, a communication for which the cost of
18 the content is less than a threshold amount es-
19 tablished under regulations of the House Com-
20 munications Standards Commission.”.

21 (c) CONFORMING AMENDMENT TO RULES OF THE
22 HOUSE OF REPRESENTATIVES.—Clause 9 of rule XXIV
23 of the Rules of the House of Representatives is amended
24 by inserting after “that session,” the following: “or any
25 other unsolicited communication of substantially identical

1 content which is transmitted to 500 or more persons in
 2 that session or, in the case of a digital communication of
 3 substantially identical content, which is disseminated at
 4 a cost exceeding a designated amount, as provided under
 5 regulations of the House Communications Standards
 6 Commission,”.

7 **SEC. 4. REVISION TO MASS MAILING NOTICE ON TAXPAYER**
 8 **FUNDING.**

9 Section 311(a) of the Legislative Branch Appropria-
 10 tions Act, 1997 (2 U.S.C. 506(a)) is amended—

11 (1) by striking “(a) Each mass mailing” and
 12 inserting “(a)(1) Each mass mailing”;

13 (2) by striking “the following notice:” and all
 14 that follows through “or a notice” and inserting
 15 “one of the notices described in paragraph (2) or a
 16 notice”; and

17 (3) by adding at the end the following new
 18 paragraph:

19 “(2) The notices described in this paragraph are as
 20 follows:

21 “(A) ‘Paid for with official funds from the of-
 22 fice of _____.’, with the blank filled in with
 23 the name of the Member sending the mailing.

24 “(B) ‘Paid for by the funds authorized by the
 25 House of Representatives for District ____ of

1 _____.’, with the first blank filled in with the
 2 name of the congressional district number, and the
 3 second blank filled in with the name of the State, of
 4 the Member sending the mailing.

5 “(C) ‘Paid for by official funds authorized by
 6 the House of Representatives.’”.

7 **SEC. 5. REVISIONS TO RESTRICTIONS ON MAIL MATTER**
 8 **CONSIDERED FRANKABLE.**

9 (a) EXPRESSIONS OF CONGRATULATIONS.—Section
 10 3210(a)(3)(F) of title 39, United States Code, is amended
 11 by striking “to a person who has achieved some public
 12 distinction”.

13 (b) BIOGRAPHICAL INFORMATION RELATED TO OF-
 14 FICIAL AND REPRESENTATIONAL DUTIES.—Section
 15 3210(a)(3)(I) of such title is amended by striking “publi-
 16 cation or in response to a specific request therefor” and
 17 inserting the following: “publication, in response to a spe-
 18 cific request therefor, or which relates to the Member’s
 19 or Member-elect’s official and representational duties,”.

20 (c) PHOTOS AND LIKENESSES INCLUDED IN NEWS-
 21 LETTERS OR GENERAL MASS MAILINGS.—Section
 22 3210(a)(3) of such title is amended—

23 (1) by adding “or” at the end of subparagraph
 24 (H);

1 (2) in subparagraph (I), by striking “; or” and
2 inserting a period; and

3 (3) by striking subparagraph (J).

4 (d) CLARIFICATION OF ABILITY OF MEMBERS TO
5 USE FRANKED MAIL TO SEND PERSONAL MESSAGES TO
6 CONSTITUENTS.—Section 3210(a)(4) of such title is
7 amended by striking the period at the end and inserting
8 the following: “, except that nothing in this paragraph
9 may be construed to prohibit the use of the franking privi-
10 lege for the transmission of matter which is purely per-
11 sonal to a recipient who is a constituent of a Member of
12 Congress and which is related to the official business, ac-
13 tivities, and duties of the Member.”.

14 (e) HOLIDAY CARDS.—Section 3210(a)(5)(B)(iii) of
15 such title is amended by striking “holiday greetings” and
16 inserting “religious holiday greetings”.

17 (f) UNIFORM BLACKOUT PERIOD FOR ALL MEMBERS
18 OF CONGRESS.—

19 (1) UNIFORM PERIOD.—Section 3210(a)(6)(A)
20 of such title is amended—

21 (A) in clause (i), by striking “(or, in the
22 case of a Member of the House, fewer than 90
23 days)”; and

24 (B) in clause (ii)(II), by striking “90
25 days” and inserting “60 days”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall apply with respect to the reg-
3 ularly scheduled general election for Federal office
4 held in November 2020 and each succeeding election
5 for public office.

6 (g) NONAPPLICATION OF BLACKOUT PERIOD TO
7 PARTY NOMINATING CONVENTIONS OR CAUCUSES.—Sec-
8 tion 3210(a)(6) of such title is amended by adding at the
9 end the following new subparagraph:

10 “(G) For purposes of this paragraph, the term ‘pri-
11 mary election’ does not include a convention or caucus of
12 a political party which has authority to nominate a can-
13 didate.”.

14 (h) INFORMATION ON CERTAIN MATTERS.—Section
15 3210(a)(6)(E) of such title is amended—

16 (1) by striking “or” at the end of clause (ii);

17 (2) by striking the period at the end of clause

18 (iii) and inserting “; or”; and

19 (3) by adding at the end the following new
20 clause:

21 “(iv) providing information exclusively on com-
22 petitions which are officially sanctioned by the
23 House of Representatives or Senate, nominations to
24 military service academies, official employment list-
25 ings for positions in the House of Representatives

1 (including listings for positions in the Wounded
2 Warrior Program or the Gold Star Family Fellow-
3 ship Program), or natural disasters or other threats
4 to public health and life safety.”.

5 **SEC. 6. EFFECTIVE DATE.**

6 Except as provided in section 5(f)(2), this Act and
7 the amendments made by this Act shall apply with respect
8 to communications disseminated on or after the date of
9 the enactment of this Act.

○