

116TH CONGRESS
2D SESSION

H. R. 7512

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2020

Received

AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Communications Out-
 5 reach Media and Mail Standards Act” or the “COMMS
 6 Act”.

7 **SEC. 2. RENAMING HOUSE COMMISSION ON CONGRES-**
 8 **SIONAL MAILING STANDARDS.**

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

17 (b) CONFORMING AMENDMENTS.—

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

23 (A) Section 3210(a)(5), (a)(6)(D), (b)(3),
 24 (d)(5), and (d)(6)(A).

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

1 (C) Section 3220(b).

2 (2) OTHER PROVISIONS.—Section 311 of the
3 Legislative Branch Appropriations Act, 1991 (2
4 U.S.C. 503) is amended by striking “House Com-
5 mission on Congressional Mailing Standards” and
6 inserting “House Communications Standards Com-
7 mission” each place it appears in subsections (a)(3),
8 (e)(1)(B), and (f).

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

14 **SEC. 3. AUTHORITY OF COMMISSION OVER OFFICIAL MASS**
15 **COMMUNICATIONS.**

16 (a) AUTHORITY TO PROVIDE GUIDANCE REGARDING
17 DISSEMINATION OF MASS COMMUNICATIONS.—

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

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

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

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

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

15 “(B) guidance, assistance, advice, and
16 counsel in connection with any law and with
17 any rule or regulation of the House of Rep-
18 resentatives governing the official content of
19 other official communications of any quantity,
20 whether solicited or unsolicited.”.

21 (2) AUTHORITY TO INVESTIGATE COM-
22 PLAINTS.—Section 5(e) of such Act (2 U.S.C.
23 501(e)) is amended—

24 (A) in the first sentence, by striking “Any
25 complaint” and all that follows through “is

1 about to occur” and inserting the following:
2 “Any complaint that a violation of any provi-
3 sion of law or any rule or regulation of the
4 House of Representatives to which subsection
5 (d) applies is about to occur”; and

6 (B) in the sentence beginning with “Not-
7 withstanding any other provision of law”, by
8 striking “a violation of the franking laws or an
9 abuse of the franking privilege by any person
10 listed under subsection (d) of this section as en-
11 titled to send mail as franked mail,” and insert-
12 ing “a violation of any provision of law or any
13 rule or regulation of the House of Representa-
14 tives to which subsection (d) applies,”.

15 (3) MASS COMMUNICATION DEFINED.—Section
16 5 of such Act (2 U.S.C. 501) is amended by adding
17 at the end the following new subsection:

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

1 “(1) any communication from an individual de-
2 scribed in subsection (d) to another individual de-
3 scribed in subsection (d), a Senator, or any Federal,
4 State, local, or Tribal government official;

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

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

11 “(4) in the case of any such unsolicited commu-
12 nication which is transmitted in a digital format, a
13 communication for which the cost of the content is
14 less than a threshold amount established under reg-
15 ulations of the House Communications Standards
16 Commission.”.

17 (b) AUTHORITY TO REVIEW ALL UNSOLICITED MASS
18 COMMUNICATIONS.—

19 (1) REQUIRING REVIEW BEFORE DISSEMINA-
20 TION.—Section 311(f) of the Legislative Branch Ap-
21 propriations Act, 1991 (2 U.S.C. 503(f)) is amend-
22 ed—

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

1 (B) by striking “mail matter” and insert-
2 ing “matter”; and

3 (C) by striking “such proposed mailing”
4 and inserting “such proposed communication”.

5 (2) EXCEPTION FOR CERTAIN COMMUNICA-
6 TIONS.—Section 311(f) of such Act (2 U.S.C.
7 503(f)) is amended—

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

11 (B) by adding at the end the following new
12 paragraph:

13 “(2) Paragraph (1) does not apply in the case of any
14 type of mass communication which is designated as ex-
15 empt from the requirements of such paragraph as pro-
16 vided under regulations of the House Communications
17 Standards Commission.”.

18 (3) DEFINITION.—Section 311(g) of such Act
19 (2 U.S.C. 503(g)) is amended—

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

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

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

1 “(3) the term ‘mass communication’ means a
2 mass mailing described in section 3210(a)(6)(E) of
3 title 39, United States Code, or any other unsolic-
4 ited communication of substantially identical content
5 which is transmitted to 500 or more persons in a
6 session of Congress, as provided under regulations of
7 the House Communications Standards Commission,
8 except that such term does not include—

9 “(A) any communication from a Member
10 of the House of Representatives to another
11 Member of the House of Representatives, a
12 Senator, or any Federal, State, or local govern-
13 ment official;

14 “(B) any news release to the communica-
15 tions media;

16 “(C) any such mass mailing or unsolicited
17 communication made in direct response to a
18 communication from a person to whom the
19 mass mailing or unsolicited communication was
20 transmitted; or

21 “(D) in the case of any such unsolicited
22 communication which is transmitted in a digital
23 format, a communication for which the cost of
24 the content is less than a threshold amount es-

1 tablished under regulations of the House Com-
2 munications Standards Commission.”.

3 (c) CONFORMING AMENDMENT TO RULES OF THE
4 HOUSE OF REPRESENTATIVES.—Clause 9 of rule XXIV
5 of the Rules of the House of Representatives is amended
6 by inserting after “that session,” the following: “or any
7 other unsolicited communication of substantially identical
8 content which is transmitted to 500 or more persons in
9 that session or, in the case of a digital communication of
10 substantially identical content, which is disseminated at
11 a cost exceeding a designated amount, as provided under
12 regulations of the House Communications Standards
13 Commission,”.

14 **SEC. 4. REVISION TO MASS MAILING NOTICE ON TAXPAYER**
15 **FUNDING.**

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

18 (1) by striking “(a) Each mass mailing” and
19 inserting “(a)(1) Each mass mailing”;

20 (2) by striking “the following notice:” and all
21 that follows through “or a notice” and inserting
22 “one of the notices described in paragraph (2) or a
23 notice”; and

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

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

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

6 “(B) ‘Paid for by the funds authorized by the
7 House of Representatives for District ____ of
8 _____.’, with the first blank filled in with the
9 name of the congressional district number, and the
10 second blank filled in with the name of the State, of
11 the Member sending the mailing.

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

14 **SEC. 5. REVISIONS TO RESTRICTIONS ON MAIL MATTER**
15 **CONSIDERED FRANKABLE.**

16 (a) EXPRESSIONS OF CONGRATULATIONS.—Section
17 3210(a)(3)(F) of title 39, United States Code, is amended
18 by striking “to a person who has achieved some public
19 distinction”.

20 (b) BIOGRAPHICAL INFORMATION RELATED TO OF-
21 FICIAL AND REPRESENTATIONAL DUTIES.—Section
22 3210(a)(3)(I) of such title is amended by striking “publi-
23 cation or in response to a specific request therefor” and
24 inserting the following: “publication, in response to a spe-

1 cific request therefor, or which relates to the Member's
2 or Member-elect's official and representational duties,".

3 (c) PHOTOS AND LIKENESSES INCLUDED IN NEWS-
4 LETTERS OR GENERAL MASS MAILINGS.—Section
5 3210(a)(3) of such title is amended—

6 (1) by adding “or” at the end of subparagraph
7 (H);

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

10 (3) by striking subparagraph (J).

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

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

24 (f) UNIFORM BLACKOUT PERIOD FOR ALL MEMBERS
25 OF CONGRESS.—

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

3 (A) in clause (i), by striking “(or, in the
4 case of a Member of the House, fewer than 90
5 days)” and

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

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

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

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

21 (h) INFORMATION ON CERTAIN MATTERS.—Section
22 3210(a)(6)(E) of such title is amended—

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

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

25 (iii) and inserting “; or”; and

12 SEC. 6. EFFECTIVE DATE.

Passed the House of Representatives July 30, 2020.

Attest: CHERYL L. JOHNSON,
Clerk.