

**HOUSE COMMUNICATIONS STANDARDS
COMMISSION
118th CONGRESS**

COMMISSION RESOLUTION 118-01

Be it resolved, that pursuant to 2 U.S.C. §§§ 501(d), 501(e), 501(f), and clauses (4)-(9) of Rule XXIV of the Rules of the House of Representatives, the Rules of the House Communications Standards Commission for the 118th Congress are hereby adopted, as follows

Rules of the House Communications Standards Commission for the 118th Congress

Rule 1—General Provisions

- (a) The Rules of the House of Representatives and the Rules of the Committee on House Administration are the Rules of the House Communications Standards Commission so far as applicable and are incorporated by reference as if set forth fully herein.
 - (1) Should changes be adopted by the House of Representatives to the Rules of the House of Representatives or by the Committee on House Administration to the Rules of the Committee on House Administration, such new version of the relevant Rules shall be immediately incorporated by reference without intervening Commission action.

- (b) The Commission incorporates by reference all requirements imposed on the Commission by statute as if set forth fully herein.
 - (1) Should new or amended statutory requirements imposed on the Commission be adopted, such new or amended requirements shall be immediately incorporated by reference without intervening Commission action.

- (c) The following motions shall be privileged in the Commission and shall be decided without debate.
 - (1) A motion to recess from day to day, or to recess subject to the call of the Chairman (within 24 hours), shall be privileged; and
 - (2) A motion to dispense with the first reading (in full) of a resolution shall be privileged if printed copies are available.

(d) The Commission is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under 2 U.S.C. §§ 501, 503, 506.

(e) A proposed investigative or oversight report shall be considered as read in Commission if it has been available to the members of the Commission for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day).

(f) The Commission is authorized to have printed and bound testimony and other data presented at meetings held by the Commission or as otherwise determined by the Chairman, and to make such information available to the public. All costs of stenographic services and transcripts in connection with any meeting, meeting, or other activity of the Commission shall be paid from the applicable accounts of the House described in clause 1(k)(1) of Rule X of the Rules of the House of Representatives.

(g) The Commission's Rules shall be made publicly available in electronic form and the Chairman shall cause them to be published in the Congressional Record not later than 30 days after the Commission is organized in each odd-numbered year.

(h) Unless context clearly requires otherwise,

(1) All words, phrases, and terms of art have the meanings given them in the U.S. Constitution or the Rules of the House of Representatives or, in the alternative, their meanings in usual congressional or parliamentary usage or daily usage.

(2) "Chairman" means the member of the House of Representatives of the Committee of House Administration appointed by the Speaker to lead the House Communications Standards Commission

(3) "Commission" means the House Communications Standards Commission of the U.S. House of Representatives

(4) "Commission Rules" mean this document, as may be duly amended by the Commission.

(5) "House of Representatives" or "House" means the U.S. House of Representatives.

(6) "House Rules" means the Rules of the House of Representatives. When used in the singular, this refers to a specific provision of the Rules of the House of Representatives.

(7) “Committee” means the Committee on House Administration of the U.S. House of Representatives.

(8) “Committee Rules” means rules adopted by the Committee on House Administration of the U.S. House of Representatives on February 2, 2023, pursuant to Committee Resolution 118-01, and as may have been duly amended.

(9) “Staff Director” means an employee of the House appointed by the Chair or Ranking Member, respectively, pursuant to Rule 14, or the designee of such employee.

Rule 2—Regular and Special Meetings

(a) The provisions of Rule 9 of these Commission Rules shall apply as applicable to meetings except as described below in this Rule 2.

(b)

(1) The Commission is required to have a regularly scheduled meeting each quarter of each session of Congress.

(2) Additional meetings may be called by the Chairman of the Commission as he deems necessary or at the request of a majority of the members of the Commission in accordance with 2 U.S.C. §§ 501(c), 501(e), 501(f).

(3) The determination of the business to be considered at each meeting shall be made by the Chairman in accordance with 2 U.S.C. §§ 501(c), 501(e), 501(f). A regularly scheduled meeting may be dispensed with, if, in the judgment of the Chair, there is no need for the meeting.

(4) To the extent practicable, the Chairman shall call to order promptly all scheduled meetings.

(c) If the Chairman is not present at any meeting of the Commission, the ranking member of the majority party who is present shall preside at the meeting.

(d)

(1) The Chairman shall make public announcement of the date, place, and subject matter of any meeting to be conducted on any measure or matter. Such meetings shall not commence earlier than the third calendar day (excluding Saturdays, Sundays, or legal holidays except

when the House is in session on such a day) on which members of the Committee have notice thereof.

(2) If the Chairman, with the concurrence of the ranking minority member, determines that there is good cause to schedule or to begin sooner a meeting of the Commission (or if the Commission so determines by majority vote, a quorum being present), the Chair shall make the announcement at the earliest possible date. The announcement shall be made available publicly in electronic form.

(e) The Chairman shall make available publicly in electronic form at least 24 hours before a meeting of the Commission the text of any advisory opinion request, resolution, regulation, or other document to be marked up, provided that the text of any advisory opinion, resolution, regulation, or other document to be marked up at a meeting announced with fewer than 24 hours' notice pursuant to Rule 2(c) of the Rules of the Committee shall be made available publicly with such announcement.

Rule 3—

[*Reserved*]

Rule 4—Records and Roll Calls

(a)

(1) A recorded vote shall be held if requested by any member of the Commission.

(2) The result of each record vote in any meeting of the Commission shall be available for inspection by the public at reasonable times at the Commission offices, including a description of the amendment, motion, order, or other proposition voted upon, the name of each member voting for and against such proposition, and a list of the members present but not voting.

(3) The Chairman shall make available publicly in electronic form the record of the votes on any question on which a record vote is demanded not later than 48 hours after such vote is taken (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). Such record shall include a description of the amendment, motion, order, or other proposition voted upon, the name of each member voting for and against such proposition, and a list of the members present but not voting.

(4) The Chairman shall make available publicly in electronic form the text of any amendment to a measure or matter adopted by the Commission not later than 24 hours after such amendment is adopted.

(b)

(1) Subject to subparagraph (2), below, the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chair may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), above, the Chairman shall take all reasonable steps necessary to notify members of the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as before the question was postponed.

(c) Pursuant to 2 U.S.C. § 501(g), all Commission meetings, records, data, and files shall be kept separate and distinct from the congressional office records of the Chairman and shall constitute property of the Commission and the House of Representatives and, pursuant to the Rules of the House of Representatives, all members of the House of Representatives shall have access thereto.

(d) Commission records that are held at the National Archives shall be made available pursuant to Rule VII of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member of any decision to withhold a record pursuant to such Rule for disposition upon written request of any Committee member.

(e) To the maximum extent feasible, the Commission shall make its publications available in electronic form, keeping in mind the importance of accessibility standards and machine-readable formats to the Committee's openness and transparency goals.

(f) Unless the Chairman, in consultation with the ranking minority member, deems it appropriate, the Commission shall not conduct business by poll.

Rule 5—Proxies and Remote Participation

(a) No vote by any member of the Commission may be cast other than in person at the location where the Commission is sitting, including, but not

limited to, through the use of a remote participation software platform, by proxy, or through other means.

Rule 6—Power to Sit and Act; Subpoena Power

(a) For the purpose of carrying out any of its functions and duties under 2 U.S.C. §§ 501(d), 501(e), 501(f), the Commission is authorized (subject to subparagraph (b)(1), below)

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such meetings as it considers necessary; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and/or the production of such books, records, correspondence, memoranda, papers, documents, and other materials, whether tangible or intangible, that the Committee deems necessary.

(b) The Chairman or any member of the Commission designated by the Chairman, may administer oaths to any witnesses.

(c)

(1) A subpoena may be authorized and issued by the Chairman or by any member designated by him or by the Commission and may be served by such person or persons as may be designated by such Chairman or member in accordance with 2 U.S.C. §§ 501(e), 501(f) in the conduct of any investigation or activity or series of investigations or activities within the jurisdiction of the Commission.

(2) Following authorization and issuance of such subpoena, the Chairman or any member designated by him shall notify the ranking minority member and shall provide such member a full copy of the proposed subpoena, including any proposed document schedule, at that time.

(3) A subpoena *duces tecum* may specify terms of return other than at a meeting or meeting the Commission.

Rule 7—Quorums

(a) Except for an adjournment until such a time as majority of Commission members are present, no Commission business shall be completed unless four of six members are present.

Rule 8—

[Reserved]

Rule 9—Meeting Procedures

- (a) The provisions of Rule 2 of the Commission Rules shall only apply as applicable to meetings except as described below in this Rule 9.
- (b) The Chairman shall make public announcement of the date, time, place, and subject matter of any meeting to be conducted on any measure or matter at least seven days before the commencement of that meeting.
- (c) If the Chairman, with the concurrence of the ranking minority member, determines that there is good cause to schedule or to begin sooner a meeting of the Commission (or if the Commission so determines by majority vote, a quorum being present), the Chair shall make the announcement at the earliest possible date. The announcement shall be made available publicly in electronic form and published in the Daily Digest.
- (d) Pursuant to clause 2(j)(i) of Rule XI of the Rules of the House of Representatives, when any meeting is conducted by the Commission upon any measure or matter, the minority party members of the Commission shall be entitled to offer additional views on advisory opinions, mass mailing requests or other issues considered by the Commission during a meeting.

Rule 10—Amendments

- (a) Any amendment offered to any pending advisory opinion request or other matter before the Commission must be made available in written form. If such amendment is not available in written form, the Chairman will allow an appropriate period of time for the provision thereof.
- (b) In general, members of the Commission shall endeavor to submit all amendments electronically. If such amendment is not available in electronic form, the Chairman will allow an appropriate period of time for the creation thereof.
- (c) The general order of consideration of amendments shall be within the discretion of the Chairman. However, he shall endeavor to apply the following order of precedence in all cases unless circumstances, in his discretion, warrant otherwise:
 - (1) Amendments submitted in writing and electronically at least 24 hours before the Commission's consideration of the measure or matter.

(2) Amendments submitted in writing and electronically but fewer than 24 hours before the Commission's consideration of the measure or matter.

(3) Amendments submitted in writing but not electronically.

Rule 11—

[Reserved]

Rule 12—

[Reserved]

Rule 13—

[Reserved]

Rule 14—Committee Staff and Materials

(a) The staff, office space, equipment, and facilities of the House Communications Standards Commission will be provided by and within the discretion of the Committee on House Administration as provided under 2 U.S.C. § 501(c) and pursuant to Clause 1(k)(7) of Rule of the Rules of the House of Representatives.

(b) Committee staff shall be appointed by the Chairman of the Committee on House Administration except as provided in paragraph (c), below, may be removed by the Chairman, and shall work under the general supervision and direction of the Chairman of the House Communications Standards Commission.

(1) The Commission shall have a majority Staff Director, appointed by the Chair.

(c) All staff provided to the ranking minority member and minority party members of the House Communications Standards Commission shall be appointed by the ranking minority member of the Committee on House Administration, may be removed by the ranking minority member of the Committee, and shall be under the general supervision and direction of such member.

(1) The Commission shall have a minority Staff Director, appointed by the Ranking Member.

Rule 15—

[*Reserved*]

Rule 16—

[*Reserved*]

Rule 17—

[*Reserved*]

Rule 18—

[*Reserved*]

Rule 19—

[*Reserved*]

Rule 20— *Other Procedures and Regulations*

(a) The Chairman, in consultation with the Ranking Member, may establish such other procedures and take such actions as may be necessary to carry out the responsibilities of the Commission or to facilitate its effective operation.

(b) The Chairman may direct staff of the Commission or the Committee on House Administration to make any necessary technical or conforming changes to these Rules without intervening Commission action. In all cases, the Chairman shall cause the most current version of the Rules to be available to members of the Commission.

Rule 21—

[*Reserved*]

Rule 22—

[Reserved]

Rule 23—

[Reserved]

Rule 24—

[Reserved]

Rule 25—Advisory Opinions, Complaints, and Mass Mailing Requests

(a) If Commission staff does not issue or approve of an advisory opinion request within fifteen calendar days of a request for advisory opinion being submitted to the Commission (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day), the Chair or Ranking Member of the Commission may bring the request forward at a Commission meeting provided they give at least 24 hours' notice (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). If an amended request for an advisory opinion is submitted, Commission staff have fifteen calendar days to issue an advisory opinion from the date of the amended submission.

(b) The Commission may adopt, reject, or amend any resolution pertaining to the issuing of an advisory opinion with a majority vote.

(c)

(1) Any United States person may submit a document alleging that a Member of the House of Representatives violated or is about to violate the Rules of the House Communications Standards Commission, its regulations, or any House Rule or federal statute relevant to the jurisdiction of the House Communications Standards Commission using a public access portal established by the Commission. The person submitting a document as described in paragraph (1) shall be known as the "Complainant", and the Member of the House of Representatives against whom the allegations are made shall be known as the "Respondent".

(2) "Complaint" means any allegation that a Member of the House of Representatives violated or is about to violate the Rules of the House Communications Standards Commission, its regulations,

or any House Rule or federal statute relevant to the jurisdiction of the House Communications Standards Commission that is submitted to the Commission through a public access portal except those that

- a. relate to the content of a communication that the Commission has previously granted an advisory opinion;
- b. relate to a communication for which the Commission grants a frankable stamp; or
- c. do not comply with the regulatory requirements, including,
 - i. those that do not contain factual material sufficient to comply with 2 U.S.C. § 501(e);
 - ii. those that fail to state a claim for which the Commission may grant relief; or
 - iii. those that fail to provide required identification information.

(3) The public access portal shall include instructions reciting the definition of “Complaint” as provided in paragraph (1) as well as a summarization of the enforcement process. As a technical condition for submission, the portal shall

- a. require the Complainant to provide their first name, last name, city and state of residence, and contact information;
- b. include security features, determined by the Commission, intended to limit the number of submissions made using fraudulent means; and
- c. require the Complainant to acknowledge that their first name, last name, city, and state of residence will be included in a public release by the Commission.

(4) Any document described in paragraph (1) and received by the Commission pursuant to the process in paragraph (3) shall be delivered for review immediately, electronically, and simultaneously to the majority and minority Staff Directors for the House Communications Standards Commission (HCSC).

(5) A 15-business day period for review is initiated. Within the first two-business days of this period, the relevant HCSC Staff Director, according to party affiliation, shall contact the office of the Respondent to notify them of such and to provide a copy of the Complaint.

(6) If the relevant Staff Director, in consultation with the Chair or Ranking Member, as appropriate, reasonably believes the

Commission is likely to find substantial reason to believe that a violation has occurred, they shall address the issue with the office of the Respondent and request that the allegedly offending communication not be sent, be modified appropriately, be deleted, or otherwise be remedied to avoid the alleged violation.

- a. If the Chair and Ranking Member agree that no reasonable justification for the Complaint exists, the Complaint may be dismissed pursuant to the following:
 - i. A 48-hour period initiates to provide any Member of the Commission the opportunity to move to appeal the determination.
 1. If no such motion is made, the dismissal shall be ratified by the Commission within 30-business days of receipt of the Complaint. The Commission shall effect a public release of a written notice of dismissal.
 2. If a motion is made, the Commission will proceed to a record vote to determine whether reasonable justification exists.
 - a. An affirmative vote means the Commission will move to continue the investigation of the Complaint.
 - b. A negative vote shall dismiss the Complaint, which must be completed within 30-business days of receipt of the Complaint. The Commission shall effect a public release of a written notice of dismissal. The Commission shall effect, in writing, a public release of , a notice of dismissal.
- b. If the Chair and Ranking Member agree that reasonable justification for the Complaint exists, the Commission shall conduct an investigation of the matter.
 - i. A 48-hour period initiates to provide any Member of the Commission the opportunity to move to appeal the determination.
 1. If no such motion is made, the investigation shall proceed.
 2. If a motion is made, the Commission may proceed to a record vote to determine whether reasonable justification exists.

- a. An affirmative vote means the Commission may move to continue an investigation of the Complaint.
 - b. A negative vote shall dismiss the Complaint, which statute requires be completed within 30-business days of receipt of the Complaint. The Commission shall effect a public release of a written notice of dismissal.
 3. If the Chair and Ranking Member disagree on the determination of reasonable justification for the Complaint, the Commission shall proceed to a record vote to determine whether reasonable justification exists.
 - a. An affirmative vote means the Commission may move to continue an investigation of the Complaint.
 - b. A negative vote shall dismiss the Complaint, which statute requires be completed within 30-business days of receipt of the Complaint. The Commission shall effect a public release of a written notice of dismissal.
- (7) If the relevant Staff Director, in consultation with the Chair or Ranking Member, as appropriate, reasonably believes the Commission is not likely to find substantial reason to believe that a violation has occurred, then the Complaint shall receive a *pro forma* dismissal, which are ratified by a poll, in accordance with paragraph (f), Rule 4, or at a Commission meeting. Such *pro forma* dismissal shall be subject to appeal according to the procedure in paragraph (6). The Commission shall effect a public release of a written notice of dismissal.
- (8) At the end of the first 15-business day period, if the issue has not been resolved, (*e.g.*, the post will not be deleted or the mailers were already delivered) the Staff Directors shall notify each other and both Staff Directors shall make a recommendation to the Chair or Ranking Member, as appropriate, on next steps, including whether the Commission should find substantial reason to believe that a violation occurred. A new 15-business day period begins.

- (9) During this period, the Chair and Ranking Member shall review the Complaint both for substance and for compliance with relevant laws and regulations and shall contact the Respondent to address the issue, including requesting that the allegedly offending communication not be sent, be modified, be deleted, or otherwise be remedied. If the Respondent resolves the issue, the Complaint shall receive a *pro forma* dismissal. Such *pro forma* dismissal shall be subject to appeal according to the procedure in paragraph (6). In such a case, the dismissal shall be ratified by the Commission within 30-business days of receipt of the Complaint, as required by statute. The Commission shall effect a public release of a written notice of dismissal. At the end of the second 15-business day period,
- a. If the Chair and Ranking Member agree that there is no substantial reason to believe that a violation has occurred or is about to occur, the Complaint shall be dismissed.
 - i. A 48-hour period then initiates to provide a Member of the Commission the opportunity to move to appeal the determination.
 1. If no such motion is made, the dismissal shall be ratified by the Commission within 30-business days of receipt of the Complaint. The Commission shall effect a public release of a written notice of dismissal.
 2. If a motion is made, the Commission may proceed to a record vote to determine whether substantial reason to believe exists.
 - a. An affirmative vote means the Commission may move to schedule a hearing on the Complaint.
 - b. A negative vote shall dismiss the Complaint, which statute requires be completed within 30-business days of receipt of the Complaint. The Commission shall effect a public release of a written notice of dismissal.
 - b. If the Chair and Ranking Member agree that there is substantial reason to believe that a violation has occurred or is about to occur, an opportunity for all parties to participate in a hearing before the Commission arises.

- i. A 48-hour period then initiates to provide a Member of the Commission the opportunity to move to appeal the determination.
 1. If no such motion is made, the Commission shall schedule a hearing on the complaint.
 2. If a motion is made, the Commission shall proceed to a record vote to determine whether substantial reason to believe exists.
 - a. An affirmative vote means the Commission may move to schedule a hearing on the Complaint.
 - b. A negative vote shall dismiss the Complaint, which statute requires be completed within 30-business days of receipt of the Complaint. The Commission shall effect a public release of its written notice of dismissal.
- c. If the Chair and Ranking Member disagree on the determination of substantial reason to believe a violation has occurred or is about to occur, the Commission shall hold a record vote on the matter.
 - i. An affirmative vote means the Commission may move to schedule a hearing on the Complaint.
 - ii. A negative vote shall dismiss the Complaint, which statute requires be completed within 30-business days of receipt of the Complaint. The Commission shall effect a public release of its notice of dismissal.

(10) If the Commission finds substantial reason to believe that a violation has occurred or is about to occur, it shall hold a hearing in accordance with Rule 9, in which a decision shall be made within 30-business days following the date of the hearing.

- a. The Chair of the Commission shall schedule the time and place of the hearing which shall take place by the end of the next quarter session of Congress, in consultation with the Ranking Member of the Commission.
- b. The Commission shall afford due notice to the Respondent, and opportunity for all parties to participate in the hearing.
- c. The Commission shall provide for a reasonable schedule for the provision by the Respondent and the Complainant of any briefing materials or submission of any other

documents in a way that comports with statute and the principles of due process.

- d. If the Commission determines that the Respondent violated or is about to violate the Rules of the House Communications Standards Commission, its regulations, or any relevant House Rule or federal statute, or otherwise affirms the allegations in the Complaint, it may impose an appropriate penalty upon the Respondent in accordance with paragraphs (14) and (15).
- e. If the Respondent concedes that a violation has occurred, then they Commission may impose an appropriate penalty in accordance with paragraphs (14) and (15).
- f. If the Commission does not affirm the allegations in the Complaint, the Complaint shall be dismissed.
- g. The Commission shall issue its decision in writing and make copies available to the Complainant and the Respondent promptly.
- h. The Commission shall effect a public release of a copy of its decision within 30-business days following the date of the hearing.

(11) Penalties will be imposed according to the Commission's established enforcement procedures, listed in (12) and (13) below. The Commission may also refer the matter to another relevant entity.

(12) The no-cost violation penalties are as follows, assessed on per Congress basis:

- a. 1st Violation: Written Warning & Mandatory Training
- b. 2nd Violation: 30-day loss of Franking Privileges, or until the end of the Congress, whichever occurs first.
- c. 3rd Violation: 60-day loss of Franking Privileges, or until the end of the Congress, whichever occurs first.
- d. 4th Violation: 90-day loss of Franking Privileges, or until the end of the Congress, whichever occurs first.
- e. 5th Violation: 1-year loss of Franking Privileges, or until the end of the Congress, whichever occurs first.

(13) The paid violation penalties are the same as the non-cost violations with respect to the number of violations but may include a monetary penalty to the Member equal to the amount of the loss incurred by the taxpayer resulting from the violation (or anticipated violation).

- (14) “Loss of Franking Privileges” means that the Commission shall not issue an advisory opinion or frankable stamp during the time period in question.
- (15) Upon any disposition by the Commission of a Complaint, the Commission shall effect a public release of the text of such Complaint.
- (16) If, with respect to any vote of the Commission concerning a Complaint, any question before the Commission fails to secure a majority of votes of the Members of the Commission, pursuant to relevant quorum requirements, the Complaint shall be dismissed without prejudice, and the Commission shall effect a public release of a written notice to that effect, noting the yeas and nays.
- (17) “Public Release” means, but is not limited to, publication on the Commission’s website.

Rule 26—Previous Procedures Incorporated by Reference

(a) *The House of Representatives Communications Standards Manual* (2020), also known as the “Purple Book”, which was adopted by the Commission on December 30, 2020, pursuant to 2 U.S.C. § 501, is hereby incorporated into the Rules of the House Communications Standards Commission for the 118th Congress by this reference and shall supersede any provision contained in these Rules to the contrary.