

Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515-6157
(202) 225-8281
www.house.gov/cha

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Members, Delegates, and the Resident Commissioner
U.S. House of Representatives
Washington, D.C. 20515

Updated E-mail Policy Related to Subscriber Lists

Dear Colleague:

The Committee on House Administration has adopted a new policy related to individuals who subscribe to an electronic mailing list. Effective immediately, the new policy allows an individual who subscribes to a Member's electronic communication or newsletter, to be categorized as a "solicited" request by the individual. As a result, these communications would not be subject to the 90-day communications ban that applies to unsolicited communications.

The added communication ability also poses greater responsibilities on the part of Members and staff. While there is no requirement to seek an advisory opinion from the Franking Commission, the Committee **strongly encourages** each office to seek guidance from the Franking Commission when questions arise, to ensure compliance with franking content regulations and to avoid enforcement and punitive measures, from the Committee on Standards of Official Conduct, which may result from communications not in compliance with House and franking rules and regulations.

The new provision in the *Members' Congressional Handbook* reads accordingly:

Subscribed E-mail updates

A subscribed e-mail update is an e-mail sent to constituents who have individually subscribed to an e-mail list. Members must notify constituents who subscribe to e-mail updates that the constituent is authorizing the Member to send regular e-mail updates from the Member's office to the person's e-mail account. All e-mail updates to subscribers must contain an option that enables the constituent to unsubscribe from the e-mail list. Members may send subscribed e-mail updates without obtaining an advisory opinion.

Non-subscribed E-mail updates

If each e-mail address used in a mass communication was not obtained with consent for subscribed e-mail updates, then the Member must receive a Franking Advisory prior to the distribution of the mass communication.

Please see *Unsolicited Mass Communications Restrictions*.

This new category enables Members to provide legislative updates to individuals who have specifically requested this official information, and will allow Members to communicate with their constituency more

closely as bills make their way through the legislative process. Subscriber lists would be treated consistently with other communications that fall within a solicited category, such as petitions, mass distribution issue cards mailed in from constituents, and mass distribution telegrams that are received in Member offices. The unique nature of e-mail warrants different standards than would apply to the standard letter sent through the post office and the intent of this change is to allow Members to keep constituents better informed about legislative activity.

If you have any questions related to the new policy, please contact the Committee on House Administration (Majority - x58281; Minority - x52061), or the Commission on Congressional Mailing Standards at the same numbers.

Sincerely,

S/ BOB NEY

Chairman