

MODERNIZING CONGRESSIONAL COMMUNICATIONS



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About the Study

Conducted by Echelon Insights on behalf of the Congressional Institute, this study of the Congressional communications landscape blends on-the-ground perspective from Capitol Hill practitioners, analysis of publicly disclosed spending by House offices, and a historical review of communications rules and practices in the House of Representatives. We collected the following new data to enhance the body of knowledge of how Members of Congress communicate with constituents:

- **In-depth interviews with 25 practitioners, including 20 House staff and Members, and 5 communications vendors and technology providers.** These interviews took place over the course of the fall of 2019, and explored existing communications practices, the effect of House rules, and the role of CRM (constituent relationship management) and other technology platforms. To gain the perspective of those who work inside the House, interviews were completed with those at the Chief of Staff, Communications Director, and Member level. For an outside expert's view, we also spoke with five providers of CRM, franking, and technology services — all of whom work across several Congressional offices.
- **A survey of 51 Capitol Hill staff** recruited through personal outreach and a current list of relevant staff, including Chiefs of Staff, communications and press, and legislative, conducted from November 2 to December 30, 2019. The survey built upon the in-depth interviews to provide a more structured look at the priorities and challenges of Member offices.
- **An analysis of the House's Statement of Disbursements**, publicly disclosed spending by House member, committee, and leadership offices since 2009, as compiled by ProPublica. In keeping with the scope of our study, we focused our analysis on spending by House member offices.

The research team at Echelon Insights was led by Patrick Ruffini who serves as the principal author of this report, and includes writing and analysis by Ryan Doogan and interviews by Kelsey Patten. To develop policy recommendations and provide the historical perspective found in the Appendix to this report, we worked closely with George Hadijski, who in early 2019 concluded 27 years of service on the Committee on House Administration and who was responsible for developing many of the current regulations governing the use of official resources in the House of Representatives.

Executive Summary

Congress is dealing with an ever-increasing volume of constituent communications with progressively fewer resources and outdated rules that govern how Members of Congress can and cannot talk to citizens. In a polarized political era, the infrastructure for civic engagement in Congress is under strain. Members of Congress are increasingly isolated from their constituents, with fewer face-to-face interactions in town hall meetings and a fear of communicating substantive positions on major issues lest they invite attack. Budget cuts that went into effect starting in 2011 — that have been carried forward throughout the decade — have led to a dramatic reduction in the use of franked mail, an important tool for Congressional offices to keep constituents informed. These same budget cuts have reduced the size of the average Congressional office, and the staff that remains is being paid less in real terms, making it harder to retain a talented workforce.

These trends challenge our Constitutional system of checks and balances. A Legislative Branch paralyzed by partisanship with fewer expert staff cannot effectively discharge its duties under Article I of the U.S. Constitution, providing a check on the Executive Branch and minimizing the number of disputes that must be resolved by an unelected judiciary. As the body of government closest to the people, the U.S. House of Representatives has a special role in channeling the public voice and informing citizens of what their government is doing. Congress's ability to have a two-way conversation with the American people is at risk.

In challenging times, the communications landscape in Congress continues to change rapidly, mirroring changes in society as a whole. Congress has an expanding array of new tools to reach citizens, and in many cases, to do so at little or no cost. New technology also means that the people have an increased ability to talk back, with a growing volume of inbound constituent correspondence, especially since the 2016 election. The typical Congressional office has more *potential* for two-way communication with citizens than ever before in history. But our research finds that *actual* communication remains limited by resources — staffing and time constraints, and by rules — the maze of franking and ethics restrictions governing what House offices can say using taxpayer dollars.

Working with the Congressional Institute, we surveyed the landscape of communications in the House from multiple different angles — interviewing Congressional staff and Members, talking to vendors and outside experts, examining the historical record of Congressional office spending over the last decade, and providing an historical account of communications in the House by George Hadijski, a rules and franking expert with 27 years of experience on Capitol Hill.

What We Found

Outdated Rules are the Number One Obstacle to Effective Communication

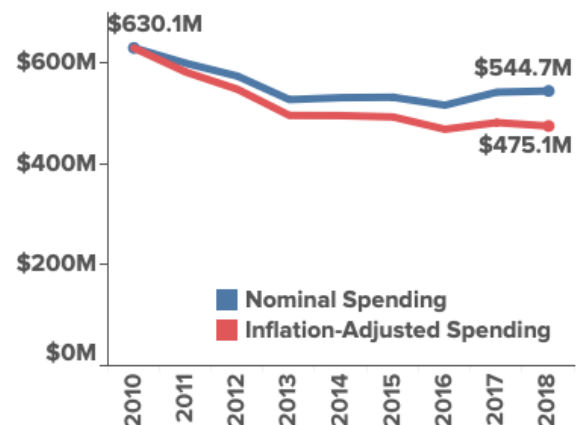
House staff are frustrated with the rules governing communications. Fully 78% of staff surveyed agreed that House communications rules are “outdated and in need of a major overhaul” versus just 12% who agreed with the idea that the rules “work well and are not in need of a major overhaul.” When asked in an open-ended way about their top communications challenge, nearly four in ten cited franking rules, with staff equally critical of their outdated nature and a slow approval process. Significant numbers of staff also cited budgetary constraints and an overwhelming volume of constituent messages as key challenges.



Member Office Budgets Have Declined by 25% in Real Terms Since 2010, Affecting Both Legislative and Communications Capacity

The House’s capacity to manage both the tremendous volume of communication and the growing complexity of communications mediums is undermined by budgets that have declined sharply in inflation-adjusted terms over the last decade. Franked mail budgets were the first casualty, declining by 40% after 2010, and they have never recovered. Adjusted for inflation, office budget levels were 25% below 2010 levels, and the lowest yet in the time period. In our survey, 88% of House staff called increasing the Members’ Representational Allowance, or MRA, the budget for each office, an extremely or very important priority, more than any other potential reform idea tested.

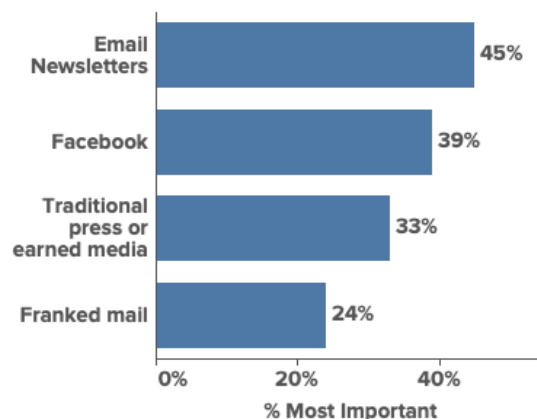
Member Office Spending, 2010-2018 (Nominal vs. 2010 Dollars)



Digital Channels Are Now Prioritized Over Traditional Channels

While Member offices have an expanding array of options for communicating with constituents, in practice only a few are considered essential. Email newsletters were considered the most important communications channel, with 45% of offices saying this was one of their top two methods. This was followed by Facebook at 39%, traditional press or earned media at 33%, and franked mail at 24%. Nothing else garnered a response in double digits. These answers demonstrate the growing dominance of digital media in constituent communications, with digital channels eclipsing more traditional forms. At the individual office level, this focusing tendency is more palpable. Our conversations revealed a desire to direct resources to the one method perceived as most effective. Those offices that excelled at one mode of communication reported devoting two or three staff members to the task. That is the equivalent of their entire communications staff for most offices.

Most Important Communications Methods as Ranked by House Staff



Partisanship and Negativity Shape the Communications Landscape

Hostile feedback from constituents was an undercurrent of many of our conversations with Hill offices, particularly when the topic was social media. The number of extremely partisan, negative, or “trolling” reactions prevented many offices from seeing social media as a venue for constructive two-way dialogue. Fear of negative backlash may also prompt Members to withdraw from actively engaging with constituents. Many offices said they had tried to find alternatives to town hall meetings because of protests or disruption. Vendors and other offices described an aversion to proactive communications in certain offices, motivated by fear of taking stands that would invite political attacks.

Texting, AI, and Messaging Top the List of Most Intriguing New Technologies

Social media was once new and is now thoroughly integrated into the fabric of Congress, with 94% of offices in our survey using Facebook, 92% using Twitter, and 67% using Instagram. Of new technologies on the horizon, offices expressed the most interest in using texting (27%), artificial intelligence to sort and respond to constituent mail (20%), and a messaging app like Facebook Messenger (14%). Yet adoption to date is limited, with just one office reporting the use of texting. Staffing constraints were again and again cited as a barrier to adoption. With a statutory limit of 18 full time staff, and an average of 4 staff devoted to communications, Chiefs of Staff felt limited in adopting promising new technologies without being able to devote staff to manage these new platforms.

One Way or Another, Change is Coming

Our research paints a picture of a House laboring under growing constraints that are both rules- and resource-driven. But help may be on the way.

The rules of the 116th Congress adopted on January 4, 2019 established a Select Committee on the Modernization of Congress to hear from experts and draft bipartisan legislation to improve the functioning of the People's House. An initial resolution with 30 recommendations was introduced on December 10, 2019¹, and the Committee's work has been extended through the end of the current Congress, during which it will continue its work developing proposals to alleviate numerous institutional challenges, including staffing constraints, outdated technology, and lackluster information sharing.

At the same time, lawmakers have undertaken an extensive rewriting and simplification of House franking rules, the regulations governing taxpayer-funded communications with constituents. First instituted after court intervention in the 1970s, these rules governed the content of mass mailings to constituents, requiring bipartisan approval of all pieces and limiting excessively self-promotional or campaign-like messages. The rules adopted for hard copy mail came to embrace many forms of digital communications, but many guidelines, such as rules governing the size of photos measured in inches, were nonsensical when applied to new digital mediums and have now been scrapped.

The new rules that went into effect at the start of 2020 aim to modernize communications in the House by simplifying content regulations and shortening the approval process. But they are only a first step. Based on conversations with staff, we recommend codifying many of the changes already proposed with legislation and building on them by:

1. **Continuing to lessen the burden of Franking pre-approvals**, through streamlined processes like digital submissions, no approval process for digital content, and relying on public disclosure as its own enforcement mechanism.
2. **Adopting a more flexible set of communications rules for social media.**
3. **Supporting efforts to raise the statutory limit of 18 staff per office** so offices are free to experiment with staffing structures that uniquely work for them.
4. **Passing legislation that establishes the new Communications Standards Commission** as a one-stop shop for all communications, including for related ethics questions.
5. **Centrally paying for individual constituent response mail** so that offices aren't penalized for being more responsive to their constituents.

¹ Moving Our Democracy and Congressional Operations Towards Modernization Resolution, H.Res. 756, 116th Congress (2019). See <https://www.congress.gov/bill/116th-congress/house-resolution/756/text#toc-HAB4422216A8249FE9BE2B7564B0DA3DC>

On the Front Lines

Our research is built around the voices of those inside Congress and the observations of outside experts whose job it is to support them. We began with in-depth interviews with 20 House staff and Members, probing into their existing practices, overall communications strategy, daily challenges, and ideas for improvement. These were augmented with five interviews with outside communications experts on Capitol Hill, typically technology or franking vendors. Using the map provided to us by these expert interviewees, we then surveyed Hill staff to understand their day-to-day challenges more concretely.

Choosing a Strategy

When it comes to outbound communications, successful Member offices prioritize doing one thing well. For many offices, that focus is on a robust email newsletter program. For others, it is communicating via franked mail. For some, it is engaging with constituents directly on social media like Facebook and Instagram. For a few enterprising offices, it is leading the way in cutting edge programs like peer-to-peer texting with constituents.

Very few — if any — offices have the resources to do all of these to the fullest extent possible, to the frustration of technology vendors interviewed. Within the staff cap of 18 full-time and 4 part-time staff, offices in our survey report an average of 4 staff devoted to communications, a total that often includes the Chief of Staff, who must also manage all the other parts of the office. Those who report going “all in” on one method of communication usually say that 2 or 3 staff are devoted to this particular mode of communication, eating up most of the bandwidth for outbound communication in the office.

As new technology involves an investment of money, and crucially, staff time, offices are often reluctant to try new things. The resulting impact is that staffers try to find value within existing use cases, with one Communications Director commenting, “I’m hesitant to add [new technology] unless I’m confident the return will be worth the investment. So we stick to what we know: earned media events during recess, easy-lift social posts, recycled content for the e-newsletter, and occasional targeted or paid outreach when the time is right.”

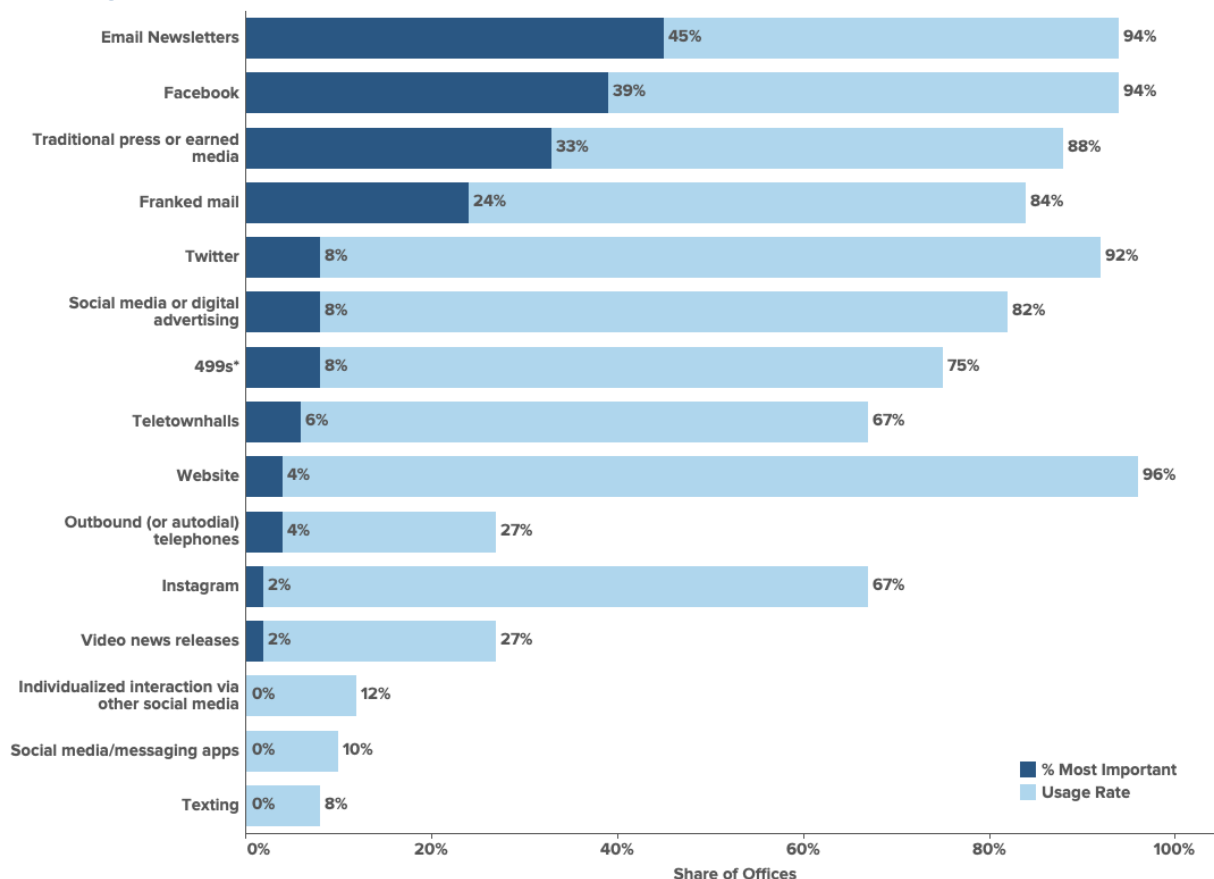
Others point to the difficulty of attracting and retaining staff who will think outside the box and evolve their communications approach, with one Chief offering that finding “talent to imagine what’s possible to what is most effective in 2019 remains challenging.”

Finding the Most Effective Platform

House offices are spread thin in the number of platforms they use, with offices using an average of 9.3 communications platforms out of 15 tested. Yet, across Congress, only four of these platforms are considered very important, and within individual offices, only one or two are

prioritized. Email newsletters (45%) and Facebook (39%) rank highest. Other platforms are universally used but seldom prioritized: 96% of offices say a website is a communications channel they use but only 4% rate it most important, and 92% of offices are on Twitter but just 8% consider it most important.

Most Important and Most Used Communications Methods in the House



*499s are a form of mass mail sent to fewer than 500 constituents. Franking rules require approval on messages sent to 500 constituents or greater, so by limiting the number of recipients, offices do not need to receive approval for these messages.

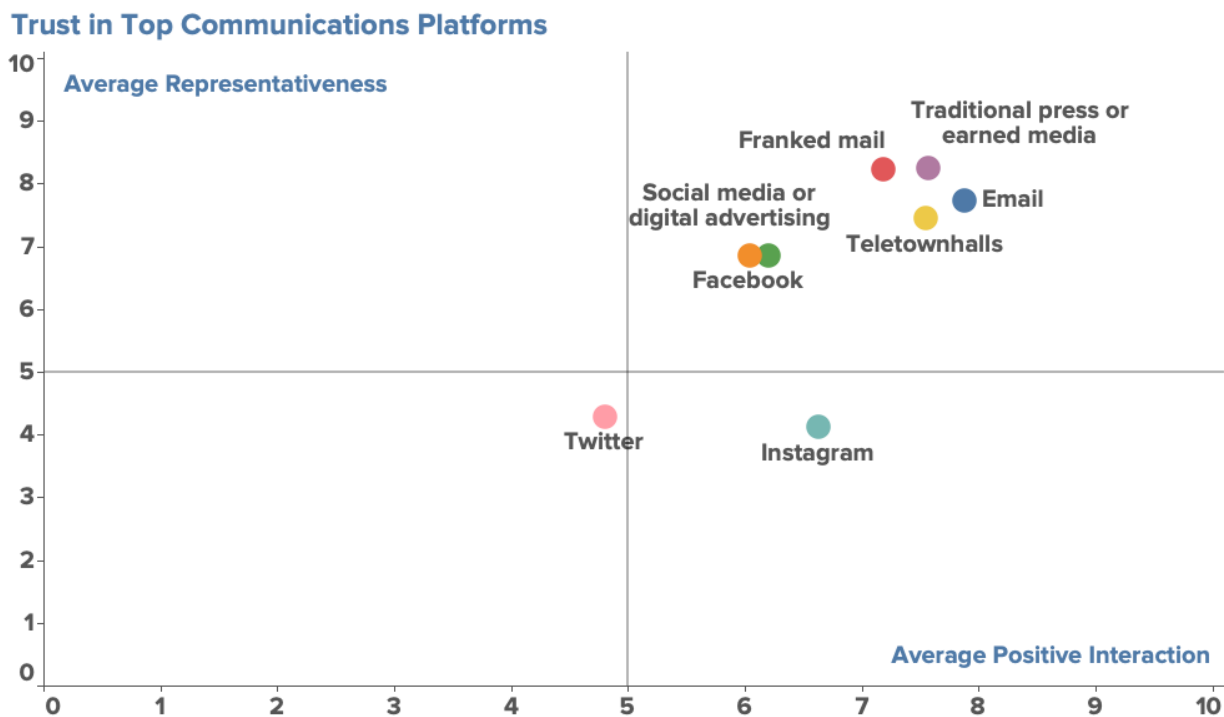
These results mark the digital transition in Congress. Digital channels like email and Facebook now eclipse more traditional methods like press and franked mail, which previously commanded an inordinate amount of staff time and attention. Offices also report that the job of the typical Communications Director is split down the middle between traditional press and direct-to-constituent methods like email newsletters and social media.

In our conversations with offices, two factors emerged organically as critical factors in deciding which platforms to use: broad reach and positive feedback. Congressional offices want to go where the people are, and that means communicating with the largest number of people at once and avoiding insular “echo chambers” where they are simply “preaching to the choir,” a concern often raised in the context of social media. Offices also invariably judge the success of a given

platform based on positive feedback from constituents. This includes objective measures like open rates on emails and likes or clicks on social media posts, but most important are in-person feedback the Member receives or positive replies to the email newsletter.

These goals are in tension with one another. Reaching a broad, representative cross-section of constituents means encountering critics who will give negative feedback. Oftentimes, it is the desire for positive feedback that wins out. Popular platforms that consistently generate negative feedback can be dispiriting for staff to manage, and de-emphasized or used only grudgingly.

In the survey, staff were asked to rate top communications channels on two dimensions: whether they reach a representative cross-section of constituents and whether they generate positive feedback. These results can be visualized as a scatterplot, with the tenor of interactions on one axis and representativeness on the other.



Four channels — email newsletters, traditional press, franked mail, and teletownhalls, are rated most highly on representativeness and positive interactions. Of these, all except teletownhalls are also rated as “most important,” whereas both Facebook (along with digital advertising, which mostly happens on Facebook) is the one “most important” platform that receives lower ratings. Franked mail and teletownhalls have direct costs associated with reaching constituents, which can limit adoption by budget-strapped offices. Of these, teletownhalls are more underrated, viewed favorably by offices yet not widely considered a top communications priority.

The nexus of representativeness and positive feedback define what Congressional offices consider a trusted platform. Of the four most trusted, three are primarily “offline” and one is

“online” — email newsletters. Offices still see unique value in offline channels that can reach constituents who don’t actively engage with them online, via mail, phones, TV, and local media.

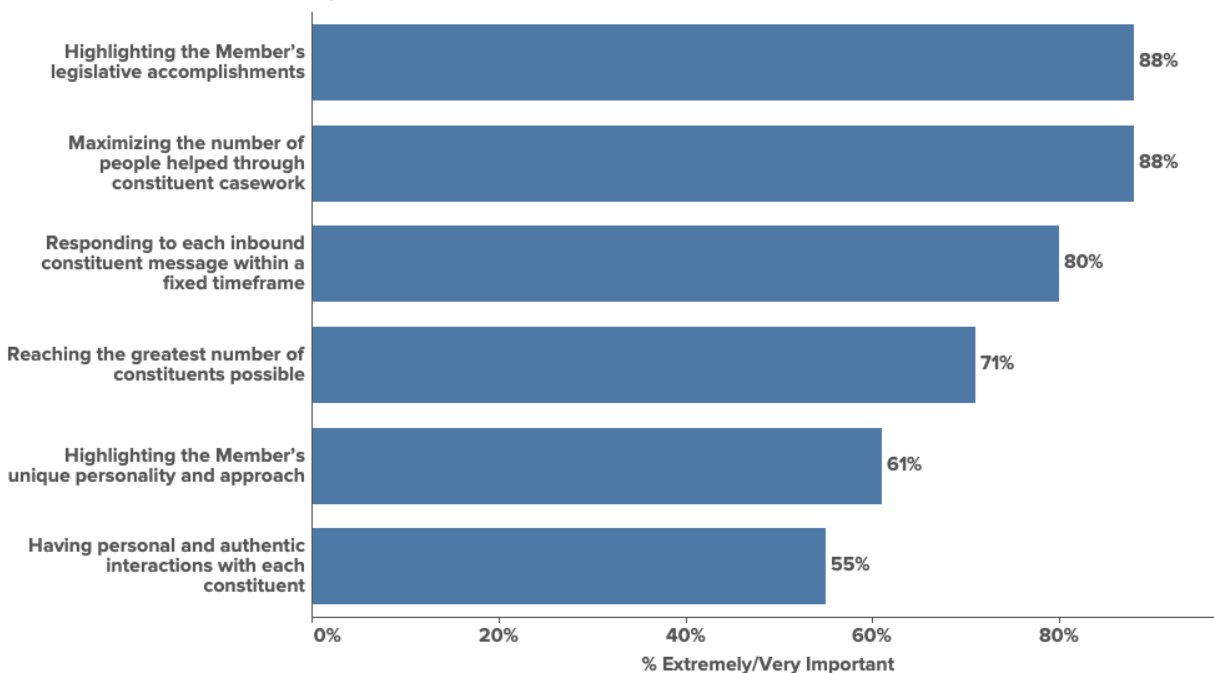
Beyond Facebook, social media struggles with the perception that it is not truly representative of constituents. These platforms, especially Twitter, also rank lower in offering positive feedback, although Instagram stands out as the only social media platform where negative feedback is largely absent.²

Setting Goals

The value of each communications platform is just one piece of the puzzle. Congressional offices also have their own strategic goals. Our survey asked staff about the most important goals in their offices.

Offices are most concerned with telling a story about their Member’s legislative accomplishments, and maximizing the number of people helped through constituent casework — 88% of respondents rated these as extremely or very important. The third most important goal was responding to each constituent message within a fixed timeframe (80%), followed by reaching the greatest number of constituents possible (71%).

Member Office Staff Top Communications Goals



² Instagram’s lower scores relative to other platforms are attributable to more staff being indifferent as to whether it offered positive or negative feedback, not to more negative feedback.

Lesser goals dealt with the personal aspects of service: Highlighting the Member’s unique personality and approach (61%) and having personal and authentic interactions with each constituent (55%).

Offices varied in how they operationalized these goals. Seen through the lens of the typical office, maximizing outreach volume matters more for generating constituent casework than for persuading large numbers of people. One Chief of Staff explained this trend in terms of legislative paralysis in Washington. With fewer bills reaching the President’s desk for signature, this Chief explained, Members of Congress must show they can provide value by helping constituents with their problems with Federal agencies. Nor are offices waiting for constituents to come to them with casework. They use franking and digital advertising budgets to alert constituents that these services are available.

A Member of Congress we interviewed said their office prioritized franked mail to veterans, for any problems with Veterans Affairs, and to seniors, for any issues with Social Security and Medicare. This approach was also seconded in conversations with other offices.

More broadly, our interviewees told a more nuanced story about the other top priority, communicating about legislative accomplishments. While legislative discussion is clearly evident if one peruses Congressional social media feeds, many believe such messages are less prominent now than in the past. In interviews, staff and vendors conveyed an increasing reluctance on Capitol Hill generally to communicate about specific policies and legislation.

“Good government is all about engaging your constituents regardless of whether they agree with your policies.”

— Capitol Hill technology expert

One franking vendor noted a shift in franking budgets from mailings about legislative accomplishments to those about constituent casework, concurrent with an overall decline in franking volume. Another interviewee expressed dismay about declining use of communications tools across the board, citing a growing fear of political attacks. “Offices don’t want to be transparent for fear of political consequence,” said this technology expert. Many vendors chose to work on Capitol Hill out of a belief in the democratic ideal of two-way dialogue between citizens and elected officials. Recent trends challenge that idealism. “Good government is all about engaging your constituents regardless of whether they agree with your policies,” they added. “The more it’s used the more you feel good about it, the less it’s used, you wonder what the issues are preventing that?”

Indeed, multiple offices said they had curtailed town hall meetings due to potential protests and disruptions, opting for alternatives like roundtables or teletownhalls (where constituents are called on the phone and can ask questions on a virtual conference call with the Member). Staff cited a fear of policy substance in communications among some of their colleagues — or noted that some offices had the opposite problem: that they were so immersed in the details of legislating that they didn't prioritize communicating about its results.

Five Platforms in Focus

House staff rate four communications channels as very important in their communications strategy: Email, Facebook (as the primary example of social media), traditional press, and franked mail. Here, we take a look at how each in turn is used, adding to them teletownhalls, which ranked highly on our survey's trust metrics.

Email: (Still) King of the Hill

Despite the media's emphasis on social media, and the allure of newer communications channels like texting, email newsletters are the most prominent form of communication in the House. Some offices report success in building email large email lists, with some offices building lists of nearly 100,000 recipients.

To build email lists, offices can rent lists of voters in their district and send them an email inviting them to opt-in to receive the Member's email newsletter. They also run Facebook advertising for the same purpose. Some may also offer tear-off cards in franked mail pieces where a constituent can enter their email and be opted-in to the newsletters. Across mediums, Member offices employ strategies like getting the recipient to take a quick survey, increasing response rates. All of these initial acquisition methods are paid communications subject to franking approval, but once an email newsletter subscriber is opted-in, the office can email them again and again without having to get approval each time.

This success is most commonly seen by longer-tenured Members who have built up email lists over numerous terms, while newer members struggle to find the same value without investments in list acquisition beyond the one-time transfer of campaign email lists they are allowed.

The average office surveyed reports having an average of 27,000 email subscribers. With reported open rates approaching 30%, the average office may be able to engage directly with 10,000 constituents per week for next to no additional cost, as offices typically pay fixed subscription fees to CRM or email sending platforms.

Feedback on emails also tends to be the most positive of any communications channel tested, bolstering its perception as a worthwhile platform, and also the third most representative of average constituents (after those reached through franked mail or traditional press). Those who commit to receiving an email or more per week from a Member office may be more likely to be

supportive, so offices typically don't encounter the same vitriolic reactions often found on social media.

Escape from Social Media?

Social media, especially Facebook, is seen as an essential communications medium, but is also beset by negative perceptions at the staff level. Congressional staff know they need to use it, but they don't always want to use it.

There are widespread concerns on Capitol Hill about negative comments on their own social media profiles, mirroring the national conversation about disinformation and extreme partisanship following the 2016 election.

Facebook remains second behind email in terms of prioritized usage, with the average amount of "likes" around 23,000. Many staffers, however, have become disenchanted with social media more broadly. One Democrat offered that "Constituents are so combative and hateful it makes the conversation toxic and hard to hold a constructive conversation. The social media feeds are always polluted by trolls."

"Almost everyone who has worked in Congress for more than a year as well as the Members live and die by 15 Facebook likes. The echo chamber is devastating."

— Republican staff member

This sentiment was echoed by one Republican staffer, who articulated the challenge of "terrible group-think that focuses on hyper-limited positive responses rather than widespread communication." Social media metrics can also create the wrong incentives, undermining the thoughtful deliberation that should be a hallmark of Congress. "Almost everyone who has worked in Congress for more than a year as well as the Members live and die by 15 Facebook likes," this staffer added. "The echo chamber is devastating."

Facebook

While some doubt that social media is actually representative of constituents, Facebook is seen as most representative, consistent with having the most usage of any social media platform. Some offices say they use advertising to reach beyond extremely vocal participants on their own Facebook pages. Others say that advertising is now a necessity, given changes in the Facebook news feed algorithm that downweight posts from Facebook pages in favor of posts from a user's friends.

Very rarely do offices intervene in the political debates that break out in the comments of Members' Facebook pages, and they rarely find substantive questions or potential constituent casework worth responding to.

Responding to these concerns, Facebook has emphasized its tools for one-on-one communication, including its Messenger app, that might be more conducive to dialogue and problem-solving. Vendors have developed “bots” for Messenger that automate the most common questions like casework or flag requests. But use of these tools has been limited to a handful of technological early adopters. Despite the promise of automation, more one-on-one communication is viewed as uniquely labor-intensive and untenable for offices operating under a statutory staff ceiling.

Twitter

Early-morning tweets from @realDonaldTrump are a daily reminder of the political power of Twitter. When we studied the content of Congressional social media feeds in a 2016 study for the Congressional Institute, we found that Twitter was the most used platform among Republicans in the House, eclipsing Facebook. Both networks continue to be used nearly universally among Members.

Offices we interviewed see value in Twitter as a venue for reaching the media and “influencers,” just not constituents. Just 24% of staff answered positively when asked if Twitter was representative of constituents. Limited use inside of districts and public retweeting means conversations are quickly nationalized, making it valuable for Members who want to burnish their national image. But their staff also find it to be a negative place, with just 16% having net positive interactions on the platform compared to 46% for Facebook and 44% for Instagram.

Instagram

Instagram is largely seen as a respite from the toxic negativity found elsewhere on social media. But it is not universally used, as its use is more personal and less official. If there is one place where House rules have a chilling effect — approving social media use for “official business representational duties” — it is Instagram, which is most naturally used to showcase personal vignettes captured through one's own smartphone, not that of staff. With the election of more digital natives to Congress, there are a number of successful Instagram accounts run by Members themselves, in their own personal capacity. But these cannot have help from staff, leading to a fragmentation of official House accounts and personal Member accounts. A common frustration expressed by staff is that the rules force the Member on social media to be up to three people at once: an “official” self, a “personal” self, and a “campaign” self.

The Twilight of Traditional Press

Traditional press is on its way to being a secondary communications medium on Capitol Hill, a far cry from when press staff's primary responsibility was to cultivate relationships with reporters. Communicators are now being hired for their digital savvy, and their day-to-day responsibilities are changing accordingly.

We asked about the responsibilities of the typical Communications Director, asking offices to assess whether they spent more time dealing with the press or managing direct-to-constituent communications through social media or other channels. Answers were split down the middle, with about a quarter of respondents volunteering either press or direct communication, and a near majority saying both equally.

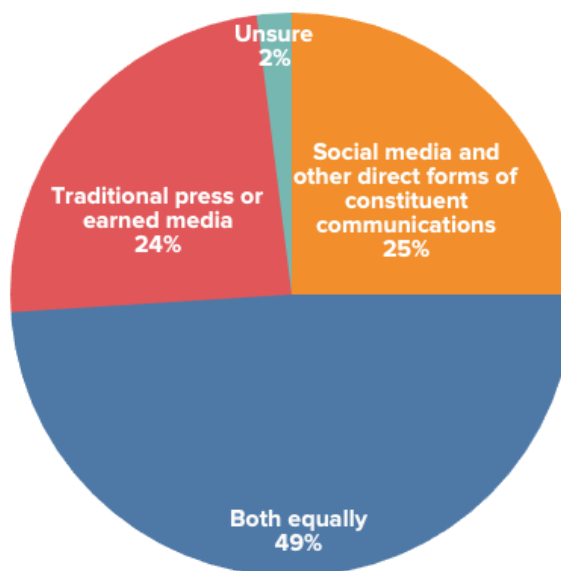
This dual role does not necessarily mean the press staffer's workload has doubled in the age of social media. With the decline in local newsrooms, communicators are fielding fewer press inquiries. The need for a strong press operation is now a more localized phenomenon driven by the continued existence of a local newspaper in the district.

Among some Hill veterans, there is the sense the shift to social media has led to less-substantive, "dumbed down" communications. "In all of these jobs on the Hill, a lot of it involves being a good writer," explained one communicator. "Social media can devalue a good grasp of writing. To write a thoughtful speech, op-ed, or column takes a little more skill than doing a post on Facebook."

Franked Mail Declines in Relevance

Franked mail is another communications method offices have traditionally used to reach a large number of constituents at once. All offices use franked mail to the extent that they send letters as part of their official business; at its most basic level, the Frank is simply Congress's alternative to postage.

What does the Communications Director or Press Secretary in your office spend most of their time focused on?





UPDATE from Congresswoman Susan W. Brooks

Dear Friend,

For the first time since 1986, we overhauled our outdated tax code to keep our country competitive and passed significant tax reform benefiting Hoosier families, workers and businesses. The *Tax Cuts and Jobs Act*:

- Lowers individual taxes and sets the rates at 0%, 10%, 12%, 22%, 24%, 32%, 35%, and 37%;
- Nearly doubles the standard deduction to \$12,000 for individuals, \$24,000 for married couples;
- Doubles the child tax credit to \$2,000 per child; and
- Provides relief by expanding the medical expenses deduction to help with high medical bills.

Because of the *Tax Cuts and Jobs Act*, more than 300 companies nationwide have announced better benefits, bonuses, pay raises, additional hiring, and/or increased investment. House Majority Whip Steve Scalise announced this week that U.S. companies are paying more than \$3,000,000,000 in bonuses. Many Hoosiers have already received bonuses or pay raises. To name a few:

- FedEx will invest \$1.5 billion in the Indy hub over the next seven years to support quality jobs.
- First Merchants Bank announced a raise for hourly employees, a \$500 bonus to associates, as well as a bonus to part time employees.
- Anthem will contribute \$1,000 to the 401(k) retirement savings accounts of 58,000 employees and recent retirees.

Stay tuned for more developments on how the *Tax Cuts and Jobs Act* is bettering the lives of Hoosiers in the Fifth District. I am proud that the *Tax Cuts and Jobs Act* helps provide extraordinary relief to Hoosier families and businesses with a simpler and fairer tax code.

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*An example of a franked mailer from Rep. Susan Brooks (R-IN). Source:
masscommsdisclosure.house.gov*

The term “franked mail,” however, is colloquially used in the House³ to describe mass mailings sent to constituents, typically containing newsletters, surveys, legislative updates, and information about constituent services.

Franking budgets have declined sharply in the last decade. In the year following budget cuts in 2011, franked mail spending fell by 40% from its 2010 level. Responding to budgetary pressure, offices cut non-staff spending first, with franked mail among the first cuts. Heavy usage of franked mail became much less common, with only 117 offices spending more than \$50,000 on this line item⁴ in 2018, as compared to 234 in 2018.

Falling budgets along with the rise of “free” digital communications have made franking less relevant today than it was a decade ago. All veteran House staff and vendors asked about this issue reported a decline in franked mail over time, both in the number of offices sending mass

³ Franked mass mailings are only widely used in the House. The U.S. Senate has effectively regulated franked mass mailings out of existence, with an overall cap of \$50,000 per Senator (to cover an entire state) and all mailings prepared by the Senate’s printer, not the individual office.

⁴ An office spending \$50,000 or above on franked mail is a likely indicator that that office does some mass mailings, though this is not an exact cutoff.

mailings and in the budget devoted to them. There are also perceived organizational and political costs to using franked mail. Pieces must undergo a sometimes lengthy approval process, where both content and formatting have been minutely scrutinized for any hint of self-promotion or political messaging. The use of taxpayer funds for mailings by the incumbent is also fodder for criticism by political opponents and the media. For a growing number of Members representing politically safe districts⁵ the perceived risks of franked mail often outweigh the benefits.

499s

Since mass mailings sent to 500 constituents or greater require approval by the Franking Commission, offices employ a workaround known as a “499” — a mass mailing with fewer than 500 recipients. Though these mailings must still comply with franking regulations, they do not require pre-approval. These mailings are typically targeted based on narrower interests — including specific issues a constituent has shown interest in before, their geographic area for the purposes of inviting them to a town hall meeting or event, or their veteran or professional status. To build a list of recipients for both 499s and larger mailings, offices use data from their own CRMs, as well as registered voter lists purchased from commercial firms with a voter’s partisan affiliation stripped out. Though a popular practice, one Capitol Hill veteran and heavy user of the franking system questioned the value of 499s, saying that the staff time needed to prepare them was hardly worth it given their limited reach.

Teletownhalls: Congress’s Most Underrated Communications Tool?

Teletownhalls are rated highly in terms of their effectiveness, ranking fourth in our survey in both representativeness and positive response, but are considered only the eighth most important communications platform. Those who had used teletownhalls reported positive experiences with them, with the typical event resulting in tens of thousands of constituent “touches” via an invitation to join the phone call, several thousand joining for at least a few minutes, and one or two thousand staying on the line through the end. Staff saw value in the opportunity to give constituents unable to attend an in-person town hall meeting a chance to hear and ask questions of their Member of Congress.

Past academic research has also found that participants in teletownhalls held by Members increases, on average, constituent favorability in seven ‘perception traits’ by 23%. The study

⁵ Between 1998 and 2017, House seats ranked marginally competitive, defined as seats holding a Partisan Voter Index (PVI) of between D+5 and R+5 by the Cook Political Report, have declined from 162 to 80. See Wasserman, Dave. “The Political Process Isn’t Rigged - It Has Much Bigger Problems.” *FiveThirtyEight*, 4 Aug. 2016, <https://fivethirtyeight.com/features/the-political-process-isnt-rigged-it-has-much-bigger-problems/> and Wasserman David, Flinn, Ally. “Introducing the 2017 Cook Political Report Partisan Voter Index.” The Cook Political Report, 4 Apr. 2017, <https://cookpolitical.com/introducing-2017-cook-political-report-partisan-voter-index>

concluded that “these traits can be powerful indicators of both current and future approval, trust, and support.”⁶

Teletownhalls are a modern innovation built on top of the aging medium of telephones. They rely on automated dialing to thousands of phone numbers at once, so that calls can start at a set time. Federal law prohibits this kind of automated dialing to cell phones, and some states ban it entirely. As such, the practice is limited to reaching those with landline telephones, even though a majority of households use cell phones only. This yields an older, less-representative base of participants.

Like franked mail, teletownhalls have costs which limit their frequent use. Though interactive in nature, they lack mail’s universality, where all households have some chance of being reached. For Members and constituents who participate for any length of time, teletownhalls can be an immersive and satisfying democratic exercise. Cost, legal barriers, and technology constraints prevent their universal adoption. For some, the barriers go deeper than that. As with in-person town hall meetings, teletownhalls require Members to engage in a live, question-and-answer session with constituents, something not all are comfortable doing. Communicators say the medium works best for Members who are “quick on their feet,” fluidly answering questions on a range of topics. The implication is that not all in Congress are adept at such live exchanges.

Success Stories

Many offices are succeeding despite limited resources and rules constraints. A successful strategy often involves choosing one primary communications medium and focusing the majority of available staff time and attention on that channel. These strategies blend audacity — the ability to embrace a strategy that few if any other offices would try, with adaptability — relentlessly fine-tuning the execution with data on what is working and what is not.

Rep. Vern Buchanan: Emailing Directly to 1-in-8 Constituents


Rep. Vern Buchanan’s email newsletter reaches 95,000 people, the equivalent of nearly 1 in 8 constituents of Florida’s 16th district. How his office built this subscriber list — one more than three times larger than the average reported in our survey — is no accident.

The office credits a long-term strategy of investing in email list growth with its success. The strategy has lately involved in the direction of sending weekly emails with quick one-question polls to outside lists. Those responding can then opt in to receive the email newsletter. Because the office has patiently pursued a basic version of this strategy over multiple Congresses, it has built an uncommonly large email subscriber list for a Member of Congress. A subscriber list of

⁶ David Lazer et. al, “Online Town Hall Meetings: Exploring Democracy in the 21st Century,” *Congressional Management Foundation*, 2009
http://www.congressfoundation.org/index.php?option=com_content&task=view&id=294

this size also carries benefits not offered by other franked communications: the ability to communicate inside of election blackout periods and to not have every communication approved by the Franking Commission.

September 12, 2019



Congressman
Vern Buchanan REPRESENTING FLORIDA


[Website](#) [16th District](#) [About Vern](#) [News](#) [Services](#) [Resources](#) [Legislation](#) [Contact](#)

Which of the following issues would you MOST like to see addressed when Congress returns for the fall session?

- ☐ Illegal immigration
- ☐ Health Care
- ☐ Bipartisan Cooperation
- ☐ Climate Change
- ☐ National Debt
- ☐ Background Checks for Guns

[Answer then Click Here to See Results]
[If having trouble please click here to open.](#)

Send me your response and I'll make sure to include you on future surveys and news updates.

<p>Sarasota District Office 111 South Orange Avenue Floor 2R, Suite 202W Sarasota, FL 34236 Phone: (941) 951-8843 Fax: (941) 951-2972</p>		<p>Bradenton District Office 1051 Manatee Ave West Suite 305 Bradenton, FL 34205 Phone: (941) 747-9081 Fax: (941) 748-1564</p>
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Washington D.C. Office • 2427 Rayburn HOB • Washington, D.C. 20515
Phone: (202) 225-5015 • Fax: (202) 226-0828

An online survey sent by Rep. Vern Buchanan (R-FL)'s office.

Source: masscommsdisclosure.house.gov

Surveys have proven to be an effective engagement vehicle for the office. Chief of staff Dave Karvelas reports that the polls receive at least a 25% response rate, but the content must be “fair and balanced” and can’t be “the typical content, constantly reused and recycled.”

A vast quantity of survey data on respondents also allows the office to tailor content by individual interests. Karvelas states that the office has 30 individual sublists targeted to specific issue areas or occupations, but has 10 or 12 that it uses on a regular basis.

Because of its size and its engaged base of participants, the Buchanan email list is a strategic asset to the office, one worth investing in and devoting staff time to. Email may not be the latest technological innovation, but it's the essential "blocking and tackling" every office needs to do, and Rep. Buchanan's office has invested in its growth to an unusual degree. Like any asset, if it will atrophy if not tended to. If the office did nothing to grow the list, the offices believes it would shrink by 15 to 20% per year. In between the time this interview was first conducted and January 2020, the list had grown by 10,000 new subscribers. "The goal is to hit 100,000 by May 1," says Karvelas.

Rep. Rick Crawford: Building Constituent Relationships through Texting

Nearly all Congressional offices use Facebook. The office of Rep. Rick Crawford of Arkansas' 1st district decided to do something very different: It shut down its Facebook page and asked constituents wanting to contact the Congressman online to text him instead.

The decision was all about building deeper relationships with constituents, rather than having surface-level interactions with a broader audience, many of whom may live outside the district. "We [Crawford's staff] don't want to open ourselves up to the whole world," offered Crawford's chief of staff Jonah Shumate. "We spent a lot of time moderating [Facebook and social media accounts]."



Text Messaging System

A few weeks ago, in light of the news about private companies abusing Facebook I decided that it was time to delete my own. Since then, I've had many folks reach out to me with concerns that I will no longer be accessible to them. Although I am active on many other social media platforms, I realize that not everyone uses these platforms.

I am always interested in new and innovative ways to reach my constituents and I think I've found a medium that has a larger range than Facebook. I'm happy to say that you may now text me your questions and concerns at (870) 292-6747.

Not only does this system have a large reach, but it is secure and eliminates any 3rd parties potentially abusing your personal information. You can still mail and call my office, but this system will be able to give you more in-depth responses at a quicker rate. I look forward to hearing from folks and seeing how this new system will grow.

Rep. Crawford's newsletter announcing his office's new texting service.

Shumate also echoed a broader disillusionment with social media platforms, which breed a high levels of “nastiness,” reflecting only a “finite amount of people that we represent.” Texting provided an alternative that was just as universal as any other major platform, one that Shumate noted was “best because it’s inherent on every phone.”

Thus far, feedback from constituents has been positive. “The benefit is instantaneous,” says Shumate. “If they [constituents] text once or twice a year, we respond right away and they remember it.”

Currently, the office estimates that it texts 1,000 to 2,000 constituents on a routine basis, and takes care to respond back to each message that is sent, with text chains with individual constituents that can routinely go 6 or 7 messages deep. “It is more work,” says Shumate when asked about the workload. “You’re having a normal conversation.”

In terms of workflow, Crawford’s office delegates the “bulk” of responsibility around texting to communications staff, but legislative correspondents and legislative assistants participate in texting-related responsibilities when the subject falls under their issue areas.

With many offices opting for more impersonal forms of communications to reach the largest audience possible, Rep. Crawford’s office has made a contrarian bet: Using new digital tools to cultivate a genuine two-way dialogue, even if it’s to a smaller audience.

Rules Challenges

Outdated rules are seen as the main barrier to modern communications on Capitol Hill, a challenge the Franking Commission has recently attempted to address with its new communications standards. A lion’s share of 78% of House staff (surveyed mostly before the new rules had been handed down) agreed that House communications rules “are outdated and in need of a major overhaul” versus 12% who said they “work well and are not in need of a major overhaul.” When asked to describe the main obstacles in their own words, 40% of staff volunteered challenges related to franking and other rules restrictions.

These comments subdivide into two main challenge areas: outdated rules and a slow approval process.

House staff found franking rules to be outdated, lacking in specific guidance, and inconsistent across communications mediums. Content is thoroughly regulated to prevent any appearance of campaign activity, a laudable goal, but this often extends to policing specific language or policy critiques that are fair game elsewhere, such as a speech on the floor of the House. During the Obama Administration, Democrats on the Commission initially objected to the use of the word “Obamacare” to describe the Affordable Care Act, leading to political battles on the Commission.

As one staff member put it, “The rules on what we can and can't say are arbitrary and not well defined. The restrictions on how many people we can contact and when things need to go through franking make it difficult to provide timely updates to people outside of our subscriber list.”

“The rules on what we can and can't say are arbitrary and not well defined. The restrictions on how many people we can contact and when things need to go through franking make it difficult to provide timely updates to people outside of our subscriber list.”

— Republican communications director

Others cite vague social media guidelines and a reluctance to provide direction before an office goes through the work of producing a finished piece. One staffer cited “an extreme lack of guidelines on digital communications methods including social media” and one office said they rely on outside counsel to help them navigate ethics and franking rules, as regulators themselves won’t engage in hypotheticals or provide advance guidance. Indeed, in our survey, updated rules taking into account the rise of social media and mobile phones was one of the most popular reform ideas tested, second only to increasing House member office budgets.

Even when offices are clear on what the rules are, they are often frustrated by a slow approval process. “I believe that partisanship on the committee has made it nearly impossible to get anything through approvals in less than a week,” relayed one staff member. “It used to be that a good piece could sail through in 2 days or less. This makes it hard to be responsive to what's going on in the world.” Multiple staff members relayed that approval delays frustrated their ability to communicate emergency information to constituents during natural disasters. Even though such pieces were typically expedited by the Commission, they still had to go through the approval process.

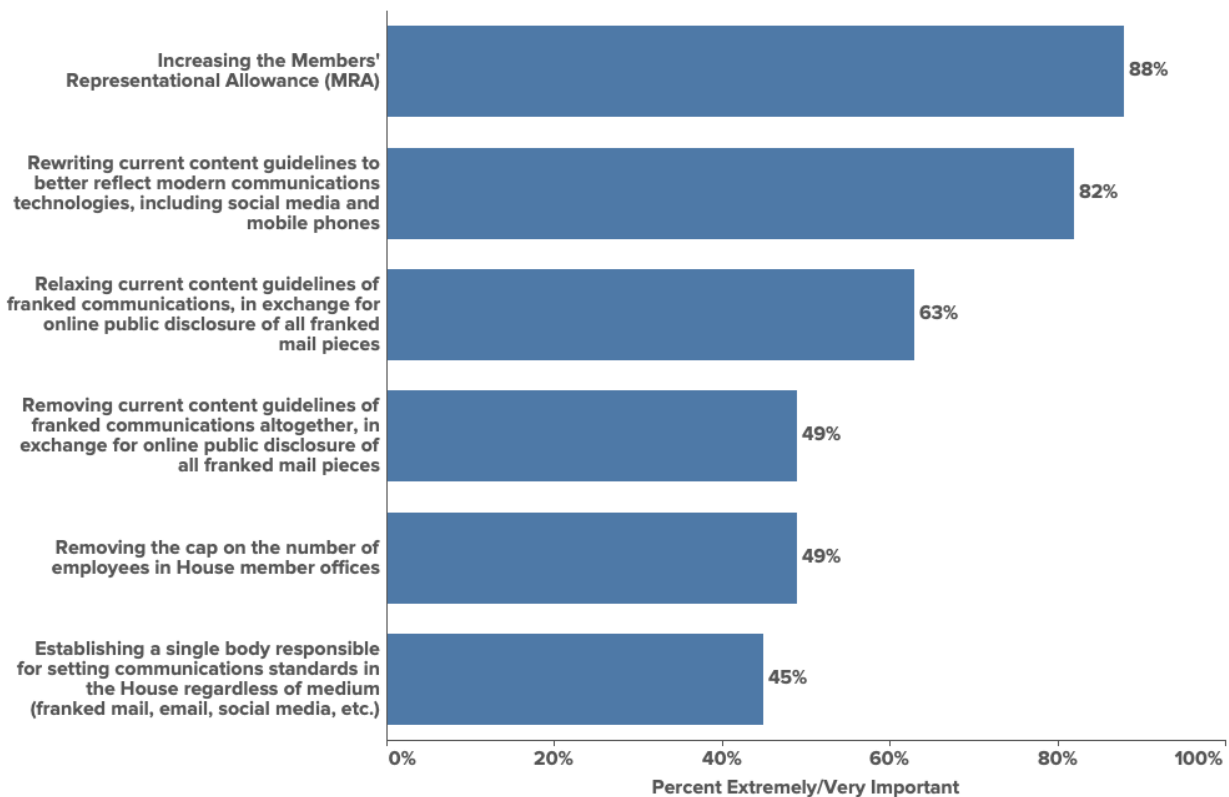
Possible Reforms: The View from the Hill

Having offered their perspective on the challenges faced by communicators, we also asked about potential policy changes, covering changes in House rules and budgetary issues.

Two items tested clearly stood out: Increasing the Members’ Representational Allowance, or the House member office budget, with 88% calling this an extremely or very important priority, and rewriting franking content guidelines to better reflect the rise of social media and mobile phones, a high priority of 82%. While formatting rules have been relaxed in the guidelines that went into effect early this year, the rules provide no added clarity on social media.

The third most popular idea tested to relax current content guidelines in exchange for public disclosure (63%) with a lesser number, supporting removing them entirely (49%). Raising the staff cap from the current 18 was seen as an extremely or very important priority by 49% and establishing a single body to regulate House communications, which the House has taken steps towards, was similarly prioritized by 45%.

Member Office Staff Opinion of Proposed Reforms



Communications on a Budget

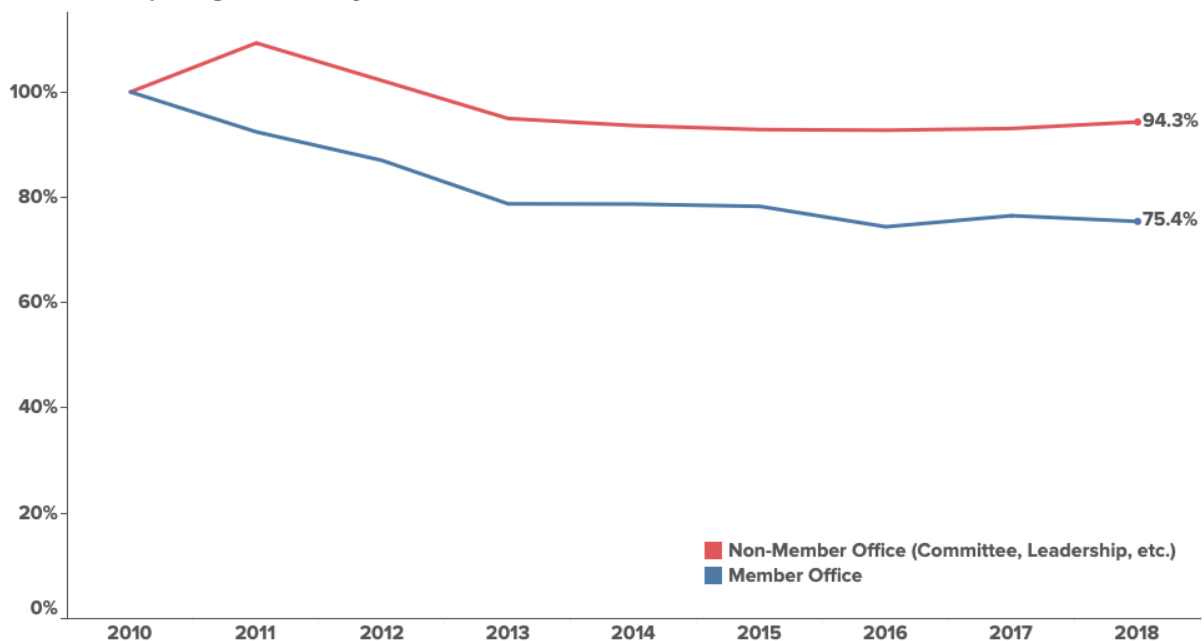
Official spending reports provide another window into changes in the House over the last decade. Every quarter, the Chief Administrative Officer of the House publishes a Statement of Disbursements showing what each House member, committee, and leadership office spent in the previous quarter. Since 2009, the reports have been published online and compiled by ProPublica⁷ and other open-government websites into a database-compatible format for ready analysis.

The reports paint a picture of sharply declining resources in the House over the last decade, with cuts borne primarily by individual Member offices.

Overall, spending in Member offices declined from \$630 million to \$545 million in 2018, a decline of 13% in nominal dollars and 25% when adjusted for inflation. Over the same period, inflation-adjusted non-Member spending has declined by only 6%. Offices have adjusted to these trends by keeping staff but cutting everywhere else. Non-staff Member office spending went from 29.4% of office spending in 2010 to 24.4% in 2018, going as low as 22.2% in 2016.

Member Office vs. Non-Member Spending, 2010-2018

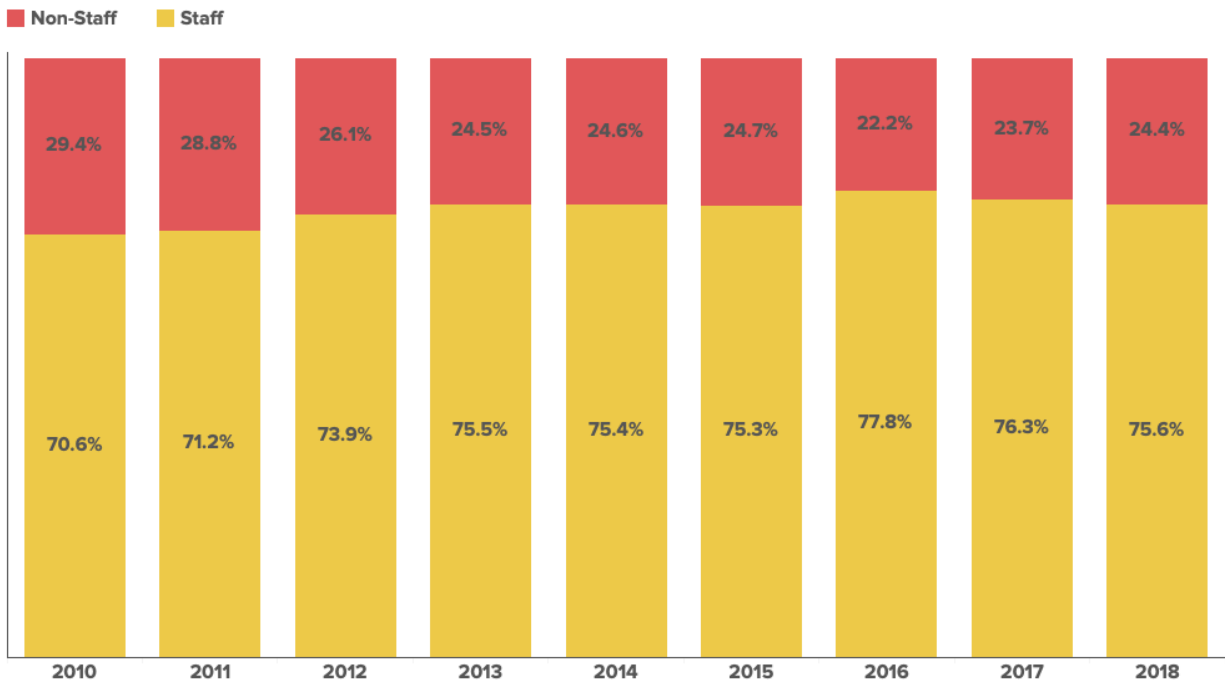
Indexed to 2010 Spending Levels and Adjusted for Inflation



⁷ Data for this analysis was accessed at ProPublica, see <https://www.propublica.org/datastore/dataset/house-office-expenditures>

Franked mail spending saw an immediate drop in percentage terms from 4.3% in 2010 to 2.9% in 2012,⁸ dropping to an election year low of 2.2% in 2016 before rising again to 2.8% of the average office budget in 2018. Other expenses dropped from 20.9% of the average office budget to 17.4% in 2018, while travel costs remained fixed at around 4% of the office budget.

Staff vs. Non-Staff Expenditures as a Share of Member Office Budgets, 2010-2018

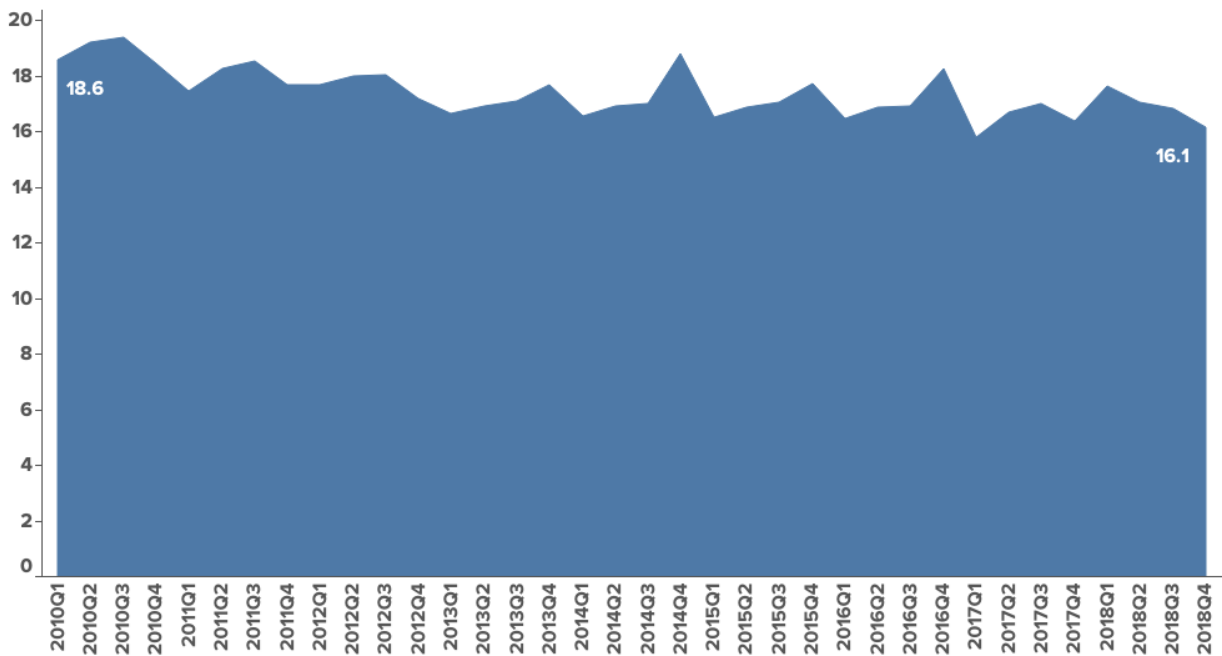


Staff Blues

Office headcounts have fallen in tandem with shrinking budgets. The average member of Congress in 2018 had two fewer staff members in a given quarter than the average member in 2010. The average salary of these remaining staffer has remained constant in nominal dollars, meaning a cut when adjusted for cost of living increases. This is manifest in a broader concern expressed on Capitol Hill about increased turnover and difficulty recruiting qualified staff. To live in the expensive Washington, D.C. area, lesser-paid staff must either take second jobs or come from affluent households with support from parents.

⁸ Since most franked mail tends to be sent in election years prior to the 90-day blackout periods preceding the primary and general elections, data from election years is most readily comparable.

Quarterly Average Number of Employees per House Member



To preserve the ability to perform core office functions following early-2010s budget cuts, House offices mainly cut administrative roles, such as staff assistants, schedulers, and information technology staff, with this category going from 37.6% of office spending in 2010 to 31.8% in 2018. Other roles remained constant or increased as a share of the typical office, with communications staff have going up slightly as a share of the typical office, from 5.8% in 2010 to 7.0% in 2018.

Changes in the Press Shop

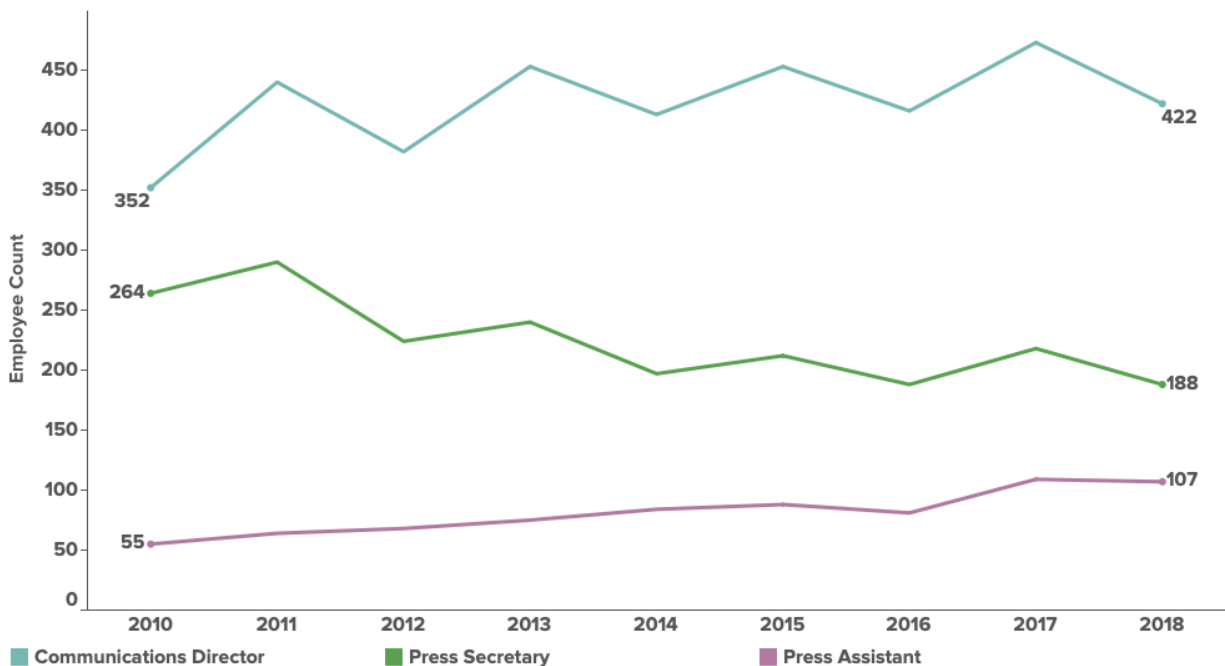
The shift from traditional press to social media is evident too in the spending data, which lists the job title of each staff member.

The job of Communications Director is ubiquitous throughout the House, with a presence in just about every House office. But staff with the title of Press Secretary are less common than they were a decade ago, with 290 staff in 2011 and just 188 in 2018. Meanwhile, those with the title of Press Assistants have gone from 55 staff in 2010 to 107 staff in 2018. Interviews with staff revealed that these roles were given to junior staff and placed a heavy emphasis on social media, whereas a Press Secretary would be spending most of their day corresponding with the media.

These reports, however, may undercount total staff dedicated to communications on Capitol Hill. In our survey, offices reported an average of 4 staff whose main duties were in communications where the data shows less than 2 staff per office with job titles related to communications. This is due to many staffers performing a mix of job functions, both at the top (Chiefs of Staff normally

take an outsized role in communications) and elsewhere (some offices consider Legislative Correspondents and others writing constituent mail as communicators).

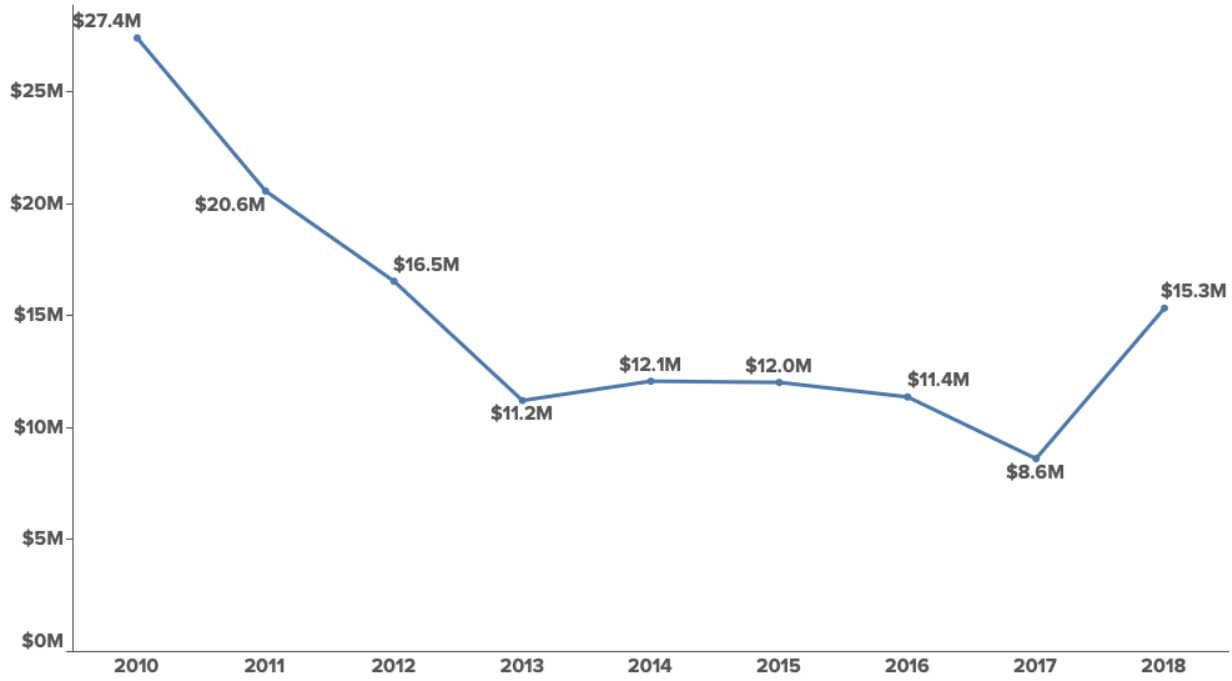
Member Office Communications Staff by Job Title, 2010-2018



Franked Mail Cut by Half

Franked mail has been hit particularly hard by spending cuts. Total franked mail spending of \$15 million in 2018 was just over half the total of \$27 million reported in 2010. The decline in *mass* mailings, as distinguished from individual responses to constituent letters, was likely even steeper. Since mass mailings are grouped with individual correspondence in the reports, there is no way to tease out the exact rate of decline in mass mailings. But the data confirms that cuts are disproportionately concentrated in heavier-spending offices that were the ones most likely to be doing mass mailings in the first place. To isolate a set of offices most likely to be sending mass mailings, we set a \$50,000 annual spending threshold. In 2010, 234 offices crossed this threshold. In 2018 only 116 did.

Franked Mail Spending, 2010-2018



Five Reforms to Modernize Communications on Capitol Hill

The House is entering a season of reform. After its first year, the Select Committee on the Modernization of Congress is advancing 30 unanimously-adopted reform ideas in the form of the Moving Our Democracy and Congressional Operations Towards Modernization (ModCom) Resolution. Of those ideas, the one most directly relevant to our focus here is a study on raising the current statutory staffing limit of 18 full-time and 4 part-time staff.

Late in December 2019, the Franking Commission released a streamlined set of franking rules going into effect in January 2020. The new manual is six pages compared to the 43 pages in the prior version.⁹ Major changes include the following:

- **Simplifying the rules by removing previous formatting limits.** Regulations on the number of personal references, size and captioning of photos, and the size of the Member's name have been removed. These rules frustrated many offices, and were a source of confusion, as there was no consistent way to apply them to digital content rendered across both desktop and mobile devices.
- **Changing the Commission's name from the House Commission on Congressional Mailing Standards to the House Communications Standards Commission and expanding its authority.** This change recognizes the shift towards non-mail, digital content. The Commission also appeared to take steps to consolidate regulatory authority previously invested in the Committee on House Administration governing the use of Member websites and social media.
- **Allowing offices to promote digital content for less than \$500 without seeking an advisory opinion.** Previously, digital content sent to non-subscribers had to be approved in all cases, and allowed uses had been limited to promoting town hall meetings or constituent services. The new rules appear to open the door to offices promoting a much greater variety of digital and social media content without pre-approval.
- **Expressing an intent to make forthcoming changes to the approval process,** and increasing the use of templates to make them applicable over an entire Congress, which will further reduce the need for advisory opinions.

Shortly after the rules were announced, the Commission launched a website publicly disclosing all franked communications since 2018, available at masscommsdisclosure.house.gov.

⁹ See

https://cha.house.gov/sites/democrats.cha.house.gov/files/documents/Communications%20Standards%20Manual_12-19-2019%20ONLINE.pdf for the current rules effective January 7, 2020, and https://cha.house.gov/sites/democrats.cha.house.gov/files/documents/franking_docs/Franking_Manual.pdf for the previous rules issued in July 2017.

While these new rules are a step in the right direction, our interviews with staff revealed a desire for even deeper reform. Nearly half of staff interviewed (49%) expressed support for *removing content rules entirely* in exchange for now-realized step of online public disclosure, saying this was a very or somewhat important reform, while 62% expressed support for simply relaxing the rules. Staffers' most strongly preferred rules priority was to bring the rules more in line with the digital world, with the removal of formatting restrictions partly addressing this but ambiguities surrounding social media still in place.

Of course, there are good reasons the rules are there in the first place. Legislators in the 1970s faced the very real prospect of court intervention because of perceived abuses in the franking privilege, with campaign-style messaging sent close to elections, paid by the taxpayer.

It is natural for any regulatory reform to move slowly, for a number of reasons. First, technology is advancing faster than ever before, challenging the ability of regulators to keep up. Second, since taxpayer dollars are used versus private funds, there is greater scrutiny of how those funds are used and regulators are reluctant to loosen the grip of regulation for fear it will invite abuse. Third, gaining consensus is a slow process, with challenges coming from competing interests from Members on both sides of the political aisle, multiple committees of jurisdiction, as well as their respective leaderships, and the fact that content regulations require a bipartisan sign-off and either side can slow or stop the process if they do not get what they want out of any regulatory reforms.

Despite these existing challenges and a charged political climate, Members in this Congress have come together in a spirit of rethinking how the House does business. Following our conversations with Congressional offices, we believe the following recommendations can add to the steps already taken to make sure Congress is even more responsive in its communications with the American people.

1. **Continue Lessening the Burden of Content Pre-Approvals.** In the past, the Franking Commission micromanaged all aspects of Member communications, from content to formatting, under the theory that regulation would work to minimize any political advantage a Member receives from the use of taxpayer-funded Franked mailings. Recent reforms have removed formatting restrictions while keeping more substantive content prohibitions in place.

These content restrictions extend beyond a ban on directly political content. Members cannot use communications to burnish their own personal image, which may impact their election. They cannot endorse or promote non-governmental bodies, including both companies and charitable organizations. They cannot lobby on behalf of legislation or other candidates for office or ballot measures. They cannot publish unsourced graphs, charts, or statistics on policies.

These rules are well-intended and serve a valid public interest, but the rules and how they are enforced were set up in a world very different than that of today. Public scrutiny

of communications through social media, aided by new online public disclosure, greatly disincentivize Members from electioneering or using their public office for profit. After a period of time with online public disclosure in place, the Commission should revisit reducing — or perhaps zeroing-out entirely — the number of instances in which pre-approval of communications is required. In case of any violations, complaints may still be filed with the Ethics Committee as they are today.

In the case of personal Member references or endorsements of charitable organizations, the Commission may want to revisit the guidelines. The new Communications Commission may wish to mirror the “Incidental Use” policy noted in the Member’s Congressional Handbook, as it relates to “personal content” in official communications. Allowing incidental use of personal references allows Members to relate a personal story of a family member impacted by a tragedy or a life lesson that influenced the Member’s perspective on public policy. This humanizing of Members may give the public a better understanding and connection with their Member of Congress and it has the potential to alleviate some of the vitriol experienced in public discourse today. So long as such content does not become a primary theme in a Member’s communications, a retweet or occasional post on a social media account sharing a personal story or highlighting a charitable cause important to a Member and constituents should be allowed. Members frequently support public funding for research into causes that have touched their personal lives, and elevating the profile of a cause as a public service can be viewed as serving the public interest. The Commission can still restrict use of a specific private organization’s name, without damaging support for the cause itself.

The Franking Commission also plans to issue guidance on changes in the approval process for unsolicited mass communications. Ideas for the Commission to consider include:

- Mandating digital submissions of all proposed communications, which would also lessen the burden of subsequent public disclosure.
- Continue broadening the number of categories for which templates can be used, allowing Member offices to send similar versions of the same piece without getting pre-approval each time.
- Create a Franking app where offices can submit communications for approval and monitor their status as they move through the approval process.
- Eliminate advisory opinions for all emails and paid digital advertising, as is currently the case for solicited email newsletters.
- Adopt simplified language and guidelines, in addition to expanding the use of FAQs and laminated cards providing clear, proactive guidance to Member offices on what is and isn’t allowed.

Examining these areas may have the desired effect of simplifying processes for both the Member’s congressional office staff, as well as the staff at the Commission. The end result

may free Congressional staff to focus on more important direct communications with constituents, versus spending time dealing with bureaucratic processes.

2. **Create a More Flexible Set of Social Media Rules.** When the Committee on House Administration first adopted guidelines for Members' use of social media, they simply applied the same content guidelines first adopted for websites in 1995. While their intent was to apply a consistent standard to all digital communications, the rules have had a much more limiting effect on Member social media because of differences in how the medium is most naturally used.

The current rules simply state that Members websites and social media should be used “for official business representational duties” and goes on to outline a series of content don'ts — no political or campaign content, no fundraising, no endorsement of outside organizations, no grassroots lobbying, and the like.

Members can more easily run afoul of these as a retweet of a person or organization outside Congress could be construed as an endorsement. Social media is inherently a more personal medium. As opposed to text-based websites, content on photo-based platforms like Instagram performs best when it showcases the more personal side of a Member of Congress or Congressional office. Showing “day in the life” or “behind the scenes” content on social media can help constituents feel more connected to and better represented by Members. Social media is also used to show support for causes, as was the case with the Ice Bucket Challenge, which raised \$115 million for a cure for ALS in 2014. The cause spread virally as public figures asked each other to take the challenge. But Members of Congress were discouraged from responding to constituent requests to take the challenges due to a ban on endorsing charitable organizations and fundraising. The Ice Bucket Challenge would only have had the impact it did thanks to social media. Given the immediacy of social media, and that much more content can be disseminated at less expense to the taxpayer, the House should adopt unique rules for social media that let Members be themselves and fully engage with the topics that their constituents are passionate about outside of politics.

3. **Support Efforts to Raise the Statutory Cap on Member Staff.** The Modernization Committee has already taken steps towards lifting the current cap of 18 full-time staff per Member office by providing for a study of the issue in the ModCom Resolution. These efforts should be further pursued with a view towards raising this limit or eliminating it entirely, giving Member offices wider discretion over how to allocate funds for staffing purposes.

This issue is of particular relevance to constituent communications. The demands placed on Member offices in this arena are only increasing — with an ever-expanding volume of inbound correspondence and a growing array of new communications technologies. Some offices have experimented with innovative solutions like combining their

constituent correspondence and communications staff into one team, or training lower-level staff to interact with constituents on a real-time basis via texting or other messaging platforms. Replicating such a “customer service”-oriented architecture more broadly may involve hiring a greater number of junior staff to manage constituent communications, perhaps based in district offices. The current staff cap means that Member offices are prevented from experimenting with such approaches without a one-for-one cut in essential legislative staff. Raising or removing the Member office staff cap would give Members the flexibility to design a staffing structure that works for their district and allows them to fully take advantage of new technology.

4. **Passing Legislation that Establishes the Communications Standards Commission as a One-Stop Shop for All House Communications.** The rules governing communications with constituents have been overseen by three separate bodies — the Committee on House Administration, the Commission on Congressional Mailing Standards (or the Franking Commission), and Committee on Ethics.

The Ethics Committee governs the interplay between official communications and private resources and references, as well as campaign resources and content. The Franking Commission governs mail sent under the Congressional Frank, and the Committee on House Administration was responsible for communications not sent under the Frank, such as electronic communications and websites. Jurisdictional boundaries between these bodies have been murky, particularly as it relates to questions of what is and is not an “official” activity that taxpayer resources may be properly used to communicate about (a question for House Administration or Ethics depending on the aspect of the question being addressed). Members and staff report being perplexed by these jurisdictional boundaries and often lack clear guidance from the three different bodies. Regulatory complexity has increased with the rise of digital communications. Whereas any physical mail being sent out under the Frank falls squarely under the purview of the Franking Commission, House Administration has set the rules for Member websites and social media, and all three bodies have authority over different aspects of digital communications, depending on questions such as the official or unofficial content of a communication, when private entities are involved in official activities, and what information about the Member’s duties are viewed as “in the public domain” and can be utilized for both official and political purposes.

As a result of this confusion, Member offices are often times reluctant to engage in newer forms of communications when it is difficult to understand which set of rules even applies. This regulatory maze can hamper the effectiveness of Congressional offices, and the House may be able to remedy this with legislation consolidating the responsibilities of all of these bodies as they relate to communications into one body that would govern all official communications.

The recent steps to provide clarity by consolidating the jurisdiction of the Franking

Commission and the Committee on House Administration are an important first step. The House should evaluate the possibility of consolidating any Ethics Committee jurisdiction over the new body. It should then pass legislation formally establishing the House Communications Standards Commission and consolidating these areas of jurisdiction under its authority.

5. **Centrally Pay for Constituent Response Mail.** While the Franking privilege is often thought of in terms of unsolicited mass mailings, it also covers individual letters sent to constituents. Both kinds of communications are paid for by individual Member offices out of the Members' Representational Allowance.

Congress could create a clearer distinction between mass mailings and individual letters by having the House as an institution centrally pay for individualized postal correspondence with constituents. Under the status quo, offices that are more proactive about responding to constituents are penalized by having to pay more for the use of the Frank than offices that are not. Direct correspondence with individual constituents about issues of concern is a public good that should be encouraged by policy. A simple tweak to how this correspondence is paid for can spur more direct, authentic communication with constituents.

What's Next?

Congress has undergone a digital transformation in the last decade. Social media was rapidly adopted and is now used on a consistent basis by nearly all Member offices. The ubiquity of this newer form of communication has counteracted the erosion of older forms of constituent outreach, including traditional press and franked mail.

Periods of maturation often follow on the heels of periods of transformation. Social media platforms are more mature, and best practices more established. Offices are also more sensitive to the downsides of social media — negativity, disinformation, declining organic reach — than they were when we last surveyed House staff on these issues in 2015. Given established best practices and staffing constraints, staff are looking to evolve their use of existing communications channels rather than searching for entirely new platforms to use.

Nonetheless, the outside world continues to evolve in its use of technology. When there is an overwhelming change in how the public communicates, as there was with social media a decade ago, Congress has followed suit. Because technology never stands still, it is natural to ask: What new forms of communications are on the horizon, and what's next for Congress?

Here is how Congressional staff and experts in the field see the landscape:

- **Texting and One-to-One Messaging** — Texting is ubiquitous as a tool for communication, and large organizations are becoming more adept at using it to communicate with customers or constituents. In particular, texting is a popular tool on the campaign trail, though all texts must be sent by an individual to ensure compliance with the Telephone Consumer Protection Act. There is a clear pathway to adoption, as incoming Members and Chief of Staff are always looking to use technologies that worked in their campaigns in an official capacity.

Currently, texting is being explored by 27% of Congressional offices in our survey, though adoption is limited to no more than a handful across Congress. Texting can be used in two main ways: to broadcast the same message to a large group, or as a receptacle for inbound constituent questions or comments, where staff texts back each constituent. With staff already deluged by a barrage of phone- and email-based communications, some offices expressed fear of opening the door to another inbound channel. This hesitation even extended to mass texts, where an office might feel an obligation to respond to constituents who reply. In their own pioneering effort, Rep. Rick Crawford's office has dedicated staff for this purpose, but other offices express reluctance given manpower constraints.

Similar concepts are being piloted with messaging platforms like Facebook Messenger, where constituents can send a private message to the office to express their opinion or

solicit help with constituent casework. Offices may either respond personally, set up a bot to automatically deal with common requests (like tour, flag, or casework requests), or employ some combination of both.

At a certain point in time, constituents moved from primarily calling their Members of Congress to emailing them. As more and more communication moves to texting, there will be a growing expectation by constituents that Member offices will be responsive via this channel too. Despite staffing challenges, some pioneering offices are moving to provide constituents with this option, replacing one-way broadcast communication with realtime two-way interaction.

- **Artificial Intelligence to Automate Constituent Response Mail** — Our study focused on outbound rather than inbound communications. The growing volume of inbound correspondence remains a massive challenge that could be the subject of its own report. Yet, a large share of staff volunteered this as their main communications challenge, the second most volunteered response behind issues with the franking rules.

Some technology vendors we talked to cited this as one of their top research and development priorities. One had received a grant to develop a system to automatically categorize incoming messages by issue, so they could be routed to the proper staff member and the right letter could be sent in response. Given the enormous amount of staff time spent sorting constituent mail, a system that could give them a head start could free them up for other essential tasks, like policy work or constituent service.

The vendor relayed that the same artificial intelligence could eventually be used to pre-write constituent response letters, in the same way that brief news articles about a sporting event or a stock price are automatically generated based on data about the event. The system could pull in a bill name, a description of what the bill does, and the Member's position. While such letters would almost certainly be subsequently edited, they could at least cut the amount of time staff spends compiling basic information for response letter to focus more on the Member's substantive rationales.

- **Structuring Communications Teams to Actually Listen to Constituents** — In most offices on the Hill, inbound and outbound communications are handled by different staff members. One office decided to combine her communications and constituent correspondence staff in one team, so the office can focus on more thoughtfully and intentionally communicating their Member's message across every interaction with a constituent. Within this structure, the office can quickly see what constituents are contacting the office about and make sure these priorities are reflected in their proactive outbound communications. Instead of only communicating what the office wants to communicate, by making outbound communications about the constituent, they can ensure that more constituent questions are answered before they even contact the office.

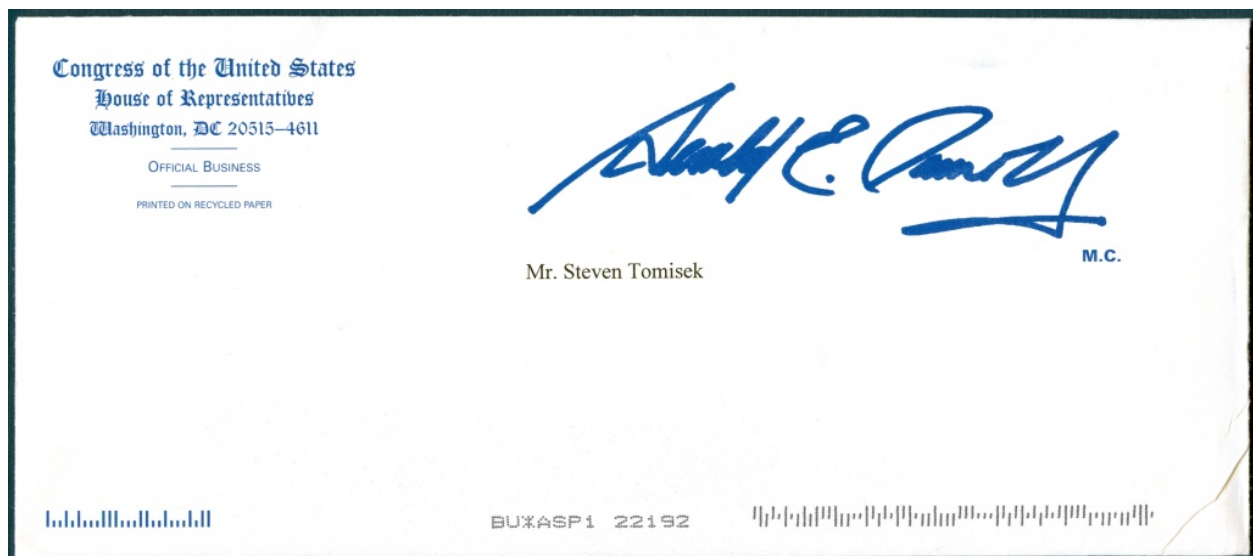
While Congress has gone from analog to digital, it has yet to fully move from one-way communication to the two-way communication that technology makes possible. There are remaining barriers to such a transition: both cultural and resource-driven. Culturally, offices are weary of what many viewed as an ill-fated experiment with two-way communication in the form of social media, in which constituents had the chance to talk back via the comment button, but much of it was so laced with partisan vitriol that substantive dialogue was rendered impossible. Efforts to maintain such a dialogue digitally may move from social media to more intimate forms of communication like texting or messaging platforms, where problems can be solved one-on-one and a more constructive dialogue is possible. This immediately raises the resource question: intensive two-way dialogue with constituents requires more staff and budget than Congressional offices currently have. Even if the House can pass institutional reforms, such as raising or eliminating the statutory staff cap, Member offices must still contend with the challenge of being asked to do more with 25% fewer resources than a decade ago. Technological sophistication can only go so far. Congress also needs the manpower to have a two-way conversation with constituents in the digital world.

APPENDIX

A History of Congressional Communications

by George Hadijski

Members of Congress utilize a mechanism for mailing constituent letters, newsletters, and general constituent information under postage called the Congressional Frank, a Member's signature in the corner of an envelope that is substituted for postage. The franking privilege which allows Members of Congress to send mail under their signature has its origin in 17th century Great Britain. The British House of Commons instituted it in 1660, and free mail was available to many officials under the colonial postal system¹⁰, although today's postal mail is charged to the Member's official office account called the Members' Representational Allowance, or MRA.



An example of the exterior of an envelope sent out under the Frank by Rep. Gerald Connolly (D-VA). The Member's signature in the upper right substitutes for prepaid postage.

Source: Stamp Community Forum

George Hadijski worked for the Committee on House Administration for 27 years, serving as its director of Committee and Member Services from 1998 to 2016 and as a senior advisor from 2016 to 2019.

¹⁰ Post Office Act, 12 Charles II (1660); Carl H. Scheele, *A Short History of the Mail Service* (Washington: Smithsonian Institution Press, 1970), pp. 47-55

In 1775, the First Continental Congress passed legislation giving Members mailing privileges so they could communicate with their constituents, as well as giving free mailing privileges to soldiers.¹¹ Congress continues to use the franking privilege to meet a public interest goal in facilitating official mail communications from elected officials to the citizens who they represent. The communications may include letters in response to constituent requests for information, newsletters regarding legislation, legislative surveys and Member votes, press releases about official Member activities, copies of the *Congressional Record* and government reports, and notices about upcoming town hall meetings organized by Members of Congress.

This privilege was loosely regulated up until the early 1970s. In the absence of substantial regulations, the franking privilege was subject to abuse in various ways. The lines between content used in campaign pieces and the content used in official communications were blurred as taxpayer funded mailers contained content that was largely indistinguishable between the two.

The Courts Step In and Congress Self-Regulates

In 1973, court challenges posed threats to the franking privilege. Questions from various entities were being raised surrounding Members' use of the Frank on Constitutional grounds, and on the basis that the franking privilege provided an incumbent Member advantage over campaign challengers. These legal challenges made it clear that if Congress did not regulate its privilege, the courts would intervene. In 1973, the Congress eager to avoid outside intervention into Congressional operations, established the Commission on Congressional Mailing Standards and its rules were adopted. In 1977, the mailing structure and regulations were refined and the Commission strengthened its self-regulating mission by limiting the number of mass mailings in a year, and it barred mass mailings during the 60 days prior to an election. It also required postal mailings to be submitted to the Commission for an advisory opinion.

Offices can go through a rigorous process for seeking approval on a communication piece requiring an advisory opinion. An office begins the process by submitting their individual piece with the requested paperwork to the staff of the Member's own party. There it is reviewed by the staff initially for compliance with Franking content rules. After that review is completed, any changes are noted in the Franking database system and then sent over to the staff of the opposing party's staff. That staff reviews the original comments and will either agree that no edits need to be made, the staff can concur with the original requested edits, or they can disagree with the original comments and submit their own requested changes.

The piece is then sent back to the original staff. If there are no edits, the Member office is sent an email approval, and the office may proceed with sending the piece. If the Franking staff requests edits that both parties agree to, the original staff will contact the office and explain the requested changes so the piece may be resubmitted for approval. If there is disagreement amongst the staff

¹¹ *Journals of the Continental Congress, 1774-1789*, 34 vols., ed. Worthington C. Ford et al. (New York: Johnson Reprint Corp., 1968), vol. 3, p. 342 (November 8, 1775).

on the requested changes, then the staff must negotiate based on past precedents and work until a resolution is agreed upon. Changes to communication pieces or delays as a result of the partisan staff negotiating differences can delay a Member's communication from going out, so there is a clear desire to have clarity on the rules and agreement on how those rules must be interpreted.

The content rules are structured in a manner to allow for official information to be communicated to constituents, while minimizing the self-promotion of the Member and avoiding any political campaign content. Fundraising, political endorsements, references to other political candidates, or any content prepared with campaign resources are prohibited. Also banned are endorsements or private companies and charitable organizations. Content must be official, not personal in nature, and Members are advised to steer clear of biographical information (except for that related to official duties) or family photos.

In 1981, Franking regulations were codified in U.S.C. Title 39 to reinforce the authority of the Commission and in 1989 the number of mass mailings was reduced from six to three. Instituted in 1991, the official mail allowance was established, which set for the first time that all mail matter would be accessed against each Member's account and establish public disclosure, but also removed the cap on the number of mailings. Mass mailings were redefined to include all unsolicited mass mailings over 499 pieces regardless of mail type.

The 1990s and 2000s: Congress Moves Into the Digital Age

Members have used this system of paid postage communications with their constituents for most of their existence until Members started utilizing electronic communications in their internal as well as external communications during the mid-1990s. Long a target of criticism from taxpayer watchdog groups and the press, Congressional spending on mail steadily decreased as new forms of communications began to take over. With the advances in technology, Members also started to target their communications more efficiently. This use along with previous franking reforms led to a decrease in franked mail spending by Members of Congress.

In 1992, the "two sheets of paper" restriction limiting how much content may be sent out by Members was eliminated, and on the heels of a U.S. Court of Appeals ruling, the law was changed to restrict members from mass mailings

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INTERNET RESOURCES FOR THE PUBLIC



THOMAS: Legislative Information on the Internet

What is THOMAS?

THOMAS is an online public access system of legislative and Congressional information named in honor of Thomas Jefferson. Initiated by the leadership of the 104th Congress, THOMAS is being made available free to Internet users through the Library of Congress. Since it is based on the Internet system known as World Wide Web, to use THOMAS, one must have a computer with Internet access, and World Wide Web client or "browser" software. (Although many large non-profit institutions and businesses already have an Internet connection, dial-up Internet access may be obtained by the private user, for a fee, from an Internet service provider. Reference staff at a local library or the employees of a local computer store may be able to provide the names of commercial service providers.)

What is World Wide Web?

World Wide Web (WWW) is an Internet-based online information delivery tool created by CERN (European Laboratory for Particle Physics), making use of hypertext and hypermedia documents. Hypertext/media refers to specially coded textual or multimedia documents that can link to other documents. In order to access WWW over the Internet, a "browser" client appropriate to your computing platform is used. There are WWW browsers for DOS, Windows, OS/2, Macintosh, and UNIX platforms as well as many others. Some of the more popular WWW browsers can be obtained free-of-charge via anonymous FTP, while other browser software may be sold, along with Internet access, by commercial service providers.

What does THOMAS offer?

THOMAS currently offers the full-text of bills from the 103rd Congress, searchable by bill number or by key word(s): meaningful or significant word(s) in the text of bills. Most relevant bills -- those with the highest number of occurrences of key word(s) -- are returned or "ranked" at the top of the results list. The "relevancy-ranking" search system underlying THOMAS is INQUERY, developed at the University of Massachusetts.

In addition to the searchable text of legislation, THOMAS offers *How Our Laws Are Made*, an explanation of the legislative process; the text of the resolution adopting rules of the House of Representatives for the 104th Congress; House e-mail addresses for members and committees; and links to the House of Representatives gopher (including member and committee directories, yearly calendar and Floor and Committee schedules), to the C-SPAN gopher (including program schedules, press releases, and election results), to the Library of Congress World Wide Web home page, and to the Library of Congress gopher (LC MARVEL).

Future Enhancements: The full text of bills from the 104th Congress will be added as it becomes available, as well as the searchable full-text of the *Congressional Record* for the 104th Congress. The Federal Legislation files from the Library's LOCIS system, including summaries and chronologies of legislation from the 103rd and 104th Congresses, will later be integrated into the THOMAS system.

Availability and How to Connect: THOMAS is available 24 hours a day. Connections to WWW resources are made by specifying a Uniform Resource Location or URL through your client software. The URL for THOMAS is: <http://thomas.loc.gov>

Reporting Comments and Problems: Since THOMAS is currently under construction, the THOMAS Design Team is interested in hearing your comments and suggestions. Please send Internet mail to: thomas@loc.gov

A handout about the THOMAS legislation information website prepared for Library of Congress patrons in 1995. Source: Library of Congress

outside their districts. In 1996, the Castle amendment in the 1997 Legislative Branch Appropriations Bill required mass mailing disclosures, and extended blackouts from 60 to 90 days prior to an election.

In 1995, the House undertook reforms to their communications systems in response to the rise of email and the World Wide Web. Offices were converted to a uniform email system, the development of individual Member websites commenced, and the Library of Congress' THOMAS website was introduced to enable the U.S. Congress to better communicate with their constituents about the activity of Congress and the content and status of legislation. In September 1995, the Committee on House Administration adopted regulations that spelled out the initial regulatory structure for websites and electronic mail, with the intent of treating all communications consistently. In 1996, the Committee on House Administration extended blackout restrictions from mail only to all forms of communications. In 1998, as a result of the continuing shift from hard copy mail to more digital communications in the form of electronic mail, the Committee removed the official mail allowance limit within the MRA.

In the 106th Congress from 2001 to 2002, the Committee on House Administration began revisiting how this new medium of digital communications was being utilized and realized that many antiquated regulations did not make sense as applied to electronic mail. The initial restrictions were put in place to minimize incumbent Members' monetary advantage in communicating with constituents through paid taxpayer-funded mailers. However, through Member websites, constituents could actively sign up for email newsletters, and the incremental cost of sending out an additional email newsletter to each subscriber was effectively zero. This type of communication was quite different than the kinds unsolicited mailers printed at taxpayer expense that the House initially sought to regulate. As a result, the Committee redefined regulated communications to exclude routine electronic communications, including email newsletters, to which an individual actively subscribes.

As a result of this decision, email newsletters sent to subscribers were not subject to advisory opinions, meaning that offices could truly take advantage of the nearly instantaneous nature of digital communications. Unsurprisingly, these newsletters became a preferred mode of communications by Member offices, with a premium placed on building up the number of subscribers receiving these newsletters. While many methods used for building these subscriber lists — including paid digital advertising and unsolicited emails and surveys to constituents enticing them to subscribe — are still subject to approval, the ability to communicate with these subscribers on a regular basis was greatly sped up by the reforms adopted by the 106th Congress.

These changes also removed blackout restrictions on solicited communications. As email communications did not have the burden of postage payments, and campaign challengers now had the ability to set up similar electronic communication structures at minimal cost, the Committee revised the regulations to allow for subscribed email communications even during election year blackouts to more closely mirror the same solicited communications constituents routinely utilize when they subscribe to newsletters and promotional materials from private sector

organizations. In some cases, Members in states where primaries 90-days prior to the general election blackout would have been restricted in back-to-back periods, they would have been restricted from communicating with their constituents for a total of 180 days or six months prior to a general election. It severely restricted a Member's ability to update their constituents about legislative activity that might be incredibly important to those constituents, since much of this important legislative activity can occur towards the end of a session.

In the latter part of the decade, telephone town hall meetings became prevalent. After 2010, there was a substantial focus on broadening the number of Members who were utilizing teletownhalls, where thousands or tens of thousands of constituents could be contacted simultaneously over the phone. As a result, constituents were now able to participate in interactions with their Member of Congress from the comfort of their own homes.

The 116th Congress Looks to Modernize

As smartphones and social media have become ubiquitous, regulatory structures have lagged far behind modern day developments in technology. With mobile devices deeply embedded in their constituents' day-to-day lives, Members have increasingly turned to social media communications and have begun to explore the possibility of communicating via texting.

With this growing gap between what technology makes possible and current regulation, the 116th Congress starting in 2019 is taking a fresh look at how the House operates — from the work of the Modernization Committee to recently revamped House Communications Standards Commission. Though these bodies are collectively addressing challenges that go well beyond communications, the groundwork has been laid for deep and lasting reforms to how Congress engages and interacts with citizens.