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Social Media in the House of Representatives: Frequently Asked Questions

Jacob R. Straus

Specialist on the Congress

Matthew E. Glassman

Analyst on the Congress

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Summary

Recently, the number of Member offices adopting social media as an official communications tool has increased. With the increased use of social media accounts for official representational duties, the House has adopted policies and regulations regarding the creation, content, and use of third-party social media services. This report answers several questions about the regulation of social media accounts in the House of Representatives.

- How does the House define social media?
- How are social media accounts regulated in the House?
- What makes a social media account an official resource?
- Can Members use official funds for social media?
- Is some content prohibited on official social media accounts?
- Do the mass communications regulations apply to social media?

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This report answers several common questions about the regulation of social media accounts in the House of Representatives. Recently, the number of Member offices adopting social media as an official communications tool has increased.¹ With the increased use of social media accounts for official representational duties, the House has adopted policies and regulations regarding the creation, content, and use of third-party social media services, such as Facebook, Twitter, Vine, YouTube, Instagram, and Flickr.

How does the House define social media?

The Committee on House Administration defines social media accounts in its policies on Member websites in the *Members' Congressional Handbook*.² Social media accounts are “profiles, pages, channels or any similar presence on third-party sites that allow individuals or organizations to offer information about themselves to the public.”³ Websites on the house.gov domain are not considered social media accounts.

How are social media accounts regulated in the House?

The Committee on House Administration has issued policies on the use of websites and the Internet, including what can and cannot be included on websites and official social media accounts. The *Members' Congressional Handbook* specifies that Members may “establish profiles, pages, channels or other similar presence on third-party sites ...,” so long as Members ensure that their official position (i.e., representative, congressman, congresswoman) is clearly stated in the account name. Further, all information provided on Member-controlled social media accounts “is subject to the same requirements as content on Member websites.”⁴

¹ For more information on the adoption and use of social media by Members of Congress, see CRS Report R44509, *Social Media in Congress: The Impact of Electronic Media on Member Communications*, by Jacob R. Straus and Matthew E. Glassman, and CRS Report R43018, *Social Networking and Constituent Communications: Members' Use of Twitter and Facebook During a Two-Month Period in the 112th Congress*, by Matthew E. Glassman, Jacob R. Straus, and Colleen J. Shogan.

² Social media is a broad term that generally refers to the means of digital interactions among people to facilitate information exchange individually or in online communities. Social media platforms include resources that may be available via websites or specific applications (apps) that may be run on a wide range of computing devices, including desktop and laptop computers, tablets, televisions, mobile devices, and smart phones (Tufts University, “Social Media Overview,” at <http://webcomm.tufts.edu/social-media-overview13>). Examples of these platforms include Facebook, Twitter, Instagram, Vine, and YouTube. On each of these applications, users can create profile pages that might include background information, hobbies, job or relationship status, and pictures or videos. Other users can then “follow,” “like,” or “friend” each other and share status updates, pictures, videos, website links, and other forms of digital communication.

³ U.S. Congress, Committee on House Administration, *Members' Congressional Handbook*, 114th Cong., 1st sess., December 16, 2011, pp. 30-31. An electronic copy of the Handbook is also available, at <https://cha.house.gov/handbooks/members-congressional-handbook> or https://cha.house.gov/sites/republicans.cha.house.gov/files/documents/member_services_docs/Members%20Handbook%20114th.pdf#page=34. [Hereafter, *Members' Congressional Handbook*.]

⁴ *Ibid.*

Therefore, material posted on official Member social media accounts “must be in compliance with Federal law and House Rules and regulations applicable to official communications and germane to the conduct of the Member’s official and representational duties.”⁵

What makes a social media account an official resource?

According to the *House Ethics Manual*, an official resource uses “funds appropriated for Member, committee, and other House officers ... including goods and services purchased with those funds.”⁶ The *House Ethics Manual* includes staff time as an official resource of the House.⁷ Therefore, social media accounts established by a Member or his or her office to communicate information as part of the Member’s representational or legislative capacity are official resources of the House.

Members are free to maintain non-official social media accounts, such as campaign or personal accounts. Such accounts are not subject to House rules or regulations regarding official social media accounts. These non-official accounts may not utilize official resources.⁸ Likewise, the *Members’ Congressional Handbook* also provides that non-official resources such as campaign funds may not be used to pay for official social media accounts.⁹

Can Members use official funds for social media?

Yes. Members may use official funds from their Members’ Representational Allowance (MRA)¹⁰ for ordinary and necessary expenses associated with the creation and continued operation of official websites.¹¹ The creation of profiles, pages, channels, or any similar presence on third-party sites that allow individuals or organizations to offer information about themselves to the public is covered under these regulations.¹²

⁵ Ibid.

⁶ U.S. Congress, House, Committee on Standards of Official Conduct, *House Ethics Manual*, 110th Cong., 2nd sess. (Washington: GPO, 2008), p. 123.

⁷ Ibid., p. 124. Currently, the adoption of most major social media platforms (e.g., Facebook, Twitter, YouTube, Vine, Instagram) does not have a formal financial cost. The use of these services, however, does require Member or staff time to post information and respond to followers. While social media sites might not qualify as an official resource based on cost alone, the use of Member and staff time to maintain the Member’s presence makes social media an official resource under House Ethics guidance.

⁸ *Members’ Congressional Handbook*, pp. 1-2.

⁹ Ibid., p. 2.

¹⁰ For more information on Members’ Representational Allowances, see CRS Report R40962, *Members’ Representational Allowance: History and Usage*, by Ida A. Brudnick.

¹¹ *Members’ Congressional Handbook*, p.25.

¹² Ibid.

Is some content prohibited on official social media accounts?

As described in the *Members' Congressional Handbook*, “Member-controlled content on social media accounts is subject to the same requirements as content on Member website.”¹³ Content posted on Member websites (and thus social media accounts) must be germane to the conduct of the Member’s official and representational duties.¹⁴ Official websites (and thus social media accounts) may not be used for campaign or personal purposes; may not generate, circulate, or otherwise encourage petitions; may not include advertisements or any private person or entity or imply government endorsement of a product or service; may not include grassroots lobbying; and must be in compliance with federal law and House rules and regulations applicable to official communications.¹⁵

Do the mass communications regulations apply to social media?

Yes and no. As described in the *Members' Congressional Handbook*, “Member-controlled content on social media accounts is subject to the same requirements as content on Member website.”¹⁶ Accessing a Member website (and thus accessing an official social media account) is treated as a “solicited communication” from a Member’s office, and is specifically exempted from restrictions on unsolicited mass communications.¹⁷ Therefore, regulations regarding unsolicited mass communications (such as the need for an advisory opinion, quarterly disclosure in the *Statement of Disbursements*, and the prohibition of sending such communications during the 90-day pre-election period) are not applicable to social media accounts.¹⁸ The content of solicited communications, however, must still comply with applicable federal laws and House rules and regulations.

Author Contact Information

Jacob R. Straus
Specialist on the Congress
jstraus@crs.loc.gov, 7-6438

Matthew E. Glassman
Analyst on the Congress
mglassman@crs.loc.gov, 7-3467

¹³ Ibid.

¹⁴ Ibid., p. 26.

¹⁵ Ibid.

¹⁶ Ibid., p. 25.

¹⁷ Ibid.

¹⁸ For more information on regulations regarding unsolicited mass communications, see CRS Report RL34458, *Franking Privilege: Mass Mailings and Mass Communications in the House, 1997-2015*, by Matthew E. Glassman; CRS Report RL34274, *Franking Privilege: Historical Development and Options for Change*, by Matthew E. Glassman; and CRS Report RS22771, *Congressional Franking Privilege: Background and Recent Legislation*, by Matthew E. Glassman.