Congressional Member Organizations: Their Purpose and Activities, History, and Formation

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Summary

This report examines the historical development and contemporary role of congressional Member organizations (CMOs) in the House and informal Member groups in both the House and the Senate. It discusses the differences between CMOs (which register with the Committee on House Administration) and informal Member groups (which do not register with the Committee on House Administration) and the reasons Members form these groups (often referred to as caucuses).

The report also presents the rise and fall of legislative service organizations (LSOs), the House's decision in 1995 to issue regulations for establishing CMOs and governing their behavior, and the subsequent regulation of CMOs in the House by the Committee on House Oversight/Committee on House Administration. It provides a step-by-step guide for House Members and staff who might be interested in forming a CMO. Many of the steps in the guide may be of interest to Senators and their staff who are considering forming an informal Member group in the Senate.

CMOs exist to affect public policy, either directly through policy advocacy for a region or an issue, or indirectly by attracting media attention, or through the socialization and orientation of their Members. Nearly all CMOs serve as forums for the exchange of information. Many hold regular Member or staff meetings, typically weekly, monthly, or quarterly depending on the legislative calendar, to exchange information and develop legislative strategy. Many CMOs also invite outside speakers and groups to make presentations to the CMO's members.

There are seven types of CMOs: (1) intraparty CMOs promote the policy views of like-minded Members within a political party; (2) personal interest CMOs (the most prevalent type) typically focus on a broad, single concern, such as the environment or children, that is often under the jurisdiction of more than one committee; (3) industry CMOs advocate the interests of a particular industry; (4) regional CMOs champion the interests of a particular region; (5) state/district CMOs advocate the interests of a particular state or district; (6) national constituency CMOs advocate the interests of particular constituencies, such as women, minorities, and veterans; and (7) diplomacy CMOs concern themselves with improving foreign relations with another country or region of the world.

In recent years, the number of CMOs and informal Member organizations has increased, more than doubling from the 108th Congress (350) to the 114th Congress (800). This increase has taken place even though (with limited exceptions in certain specific circumstances) House Members can no longer provide CMOs and informal Member groups congressional office space; use the congressional frank or lend them money to support their activities; use their Member Representational Allowance to directly support them as an independent entity; or accept goods, funds, or services from private organizations or individuals to support their activities. Despite the limitations imposed on the options available to House Members to support informal Member organizations, CMOs and, to a somewhat lesser extent given their ad-hoc nature, informal Member groups, have retained an important role in the congressional policymaking process. Their influence has endured largely because many Members continue to consider their participation in informal Member groups and CMOs as advantageous in achieving their primary goals of policy advocacy, reelection, and power within the institution.

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CMOs: Their Purpose and Activities

There are 800 informal Member organizations listed in the *Congressional Yellow Book* or registered with the Committee on House Administration. According to self-reported information contained in the *Congressional Yellow Book*, the House's 703 informal Member organizations had from 1 to 294 members, with an average membership of 21, and the Senate's 87 informal Member organizations had from 1 to 71 members, with an average membership of 9.[1] On average, House Members report membership in 34 informal Member organizations (ranging from 0 to 136) and Senators report membership in 16 (ranging from 0 to 52).[2] Of these 800 informal organizations, 300 registered with the Committee on House Administration during the 114th Congress as congressional Member organizations (CMOs).[3]

The term *congressional Member organization* refers to a group of Members who join together in pursuit of common legislative objectives and register the organization with the Committee on House Administration. In many instances, Members assign personal staff (including shared employees) under the Member's control to assist the CMO in carrying out its legislative objectives. Any informal group of House Members who wish to use personal staff to work on behalf of an informal Member group, discuss their membership in the group in official communications, or mention their membership on their official House website must register the group with the Committee on House Administration as a CMO. There are no registration requirements in the Senate.

Informal Member organizations that are not registered with the Committee on House Administration (including those in the Senate) are called *informal Member groups*. The term *informal Member organization* is used when referring to both CMOs and informal Member groups. This report focuses on CMOs, primarily because they tend to be more long-lasting and influential than informal Member groups.

CMOs exist to affect public policy, either directly through policy advocacy for a region or an issue, or indirectly by attracting media attention, or through the socialization and orientation of their Members. Nearly all CMOs serve as forums for the exchange of information. Many hold regular Member or staff meetings, typically weekly, monthly, or quarterly depending on the legislative calendar, to exchange information and develop legislative strategy. Many also invite outside speakers and groups to make presentations to the CMO's Members.[4]

House Members who join CMOs must conduct their activities in accordance with applicable provisions in law, the House Ethics Manual, the Congressional Handbook, and the Rules of the House (including House Rule XXIII, the House Code of Official Conduct). In general, unless otherwise specified, the same regulations applicable to House Members as individuals also apply to their participation in CMOs. Members can contact the Committee on House Administration;

[1] Senators reported membership in 87 Senate-only informal Member organizations and 87 bicameral informal Member organizations.

[2] House Members reported that they served as the chair or co-chair, on average, for 2.8 informal Member organizations (ranging from 0 to 16). Senators reported that they served as the chair or co-chair, on average, for 2.0 informal Member organizations (ranging from 0 to 8).

[3] The Committee on House Administration, "Congressional Member Organizations: 113th Congress CMO List," at http://cha.house.gov/member-services/congressional-memberstaff-organizations.

[4] Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: The Johns Hopkins University Press, 1998), pp.80-109; and Eileen Burgin, "Congress, Health Care, and Congressional Caucuses: An Examination of the Diabetes Caucus," *Journal of Health Politics, Policy and Law*, vol. 28, no. 5 (2003), pp. 789-820.

the Commission on Congressional Mailing Standards, better known as the Franking Commission; and the Office of Advice and Education of the House Committee on Ethics for information and guidance.

Historically, Senate informal groups have drawn upon resources available to Senators for materials and services, without dedicating any additional funding to the organization. Because of their traditional, non-official status and informal nature, specific regulation of such groups in the Senate has not been deemed necessary. As in the House, informal groups of Senators are collectively subject to the same regulations applicable to Senators as individuals as indicated in the Senate Ethics Manual, Rules of the Senate, and the Senate Code of Official Conduct. Separate regulations expressly recognizing them and prescribing their operations have never been implemented in the Senate.[5]

The Committee on House Administration lists the requirements for registration as a CMO, and other provisions related to CMO funding, resources, and communications on its website, at http://cha.house.gov/member-services/congressional-memberstaff-organizations/cmocso-registration-form#cmo. Under these guidelines, CMOs are required to electronically register with the Committee on House Administration each Congress. They must submit the following information in a letter on official letterhead in PDF format to the committee's CMO registration website, at http://cha.house.gov/member-services/congressional-memberstaff-organizations/cmocso-registration-form#reg_form:

- CMO's name;
- a statement of purpose;
- CMO's officers; and
- name, telephone number, and email address of staff designated to work on issues related to the CMO (minimum of one per officer).[6]

If the submitted material complies with its guidelines, the committee approves the application and includes the CMO in its online list of CMOs. The CMO lists for the 107th Congress through the 114th Congress are located at http://cha.house.gov/member-services/congressional-memberstaff-organizations.

Members of both the House and Senate may participate in a CMO, but at least one of the CMO's officers must be a House Member, and the participation of Senators in a CMO does not impact the scope of authorized CMO activities in any regard. With limited exceptions for CMOs that meet certain requirements (see below), in terms of funding and resources,

- CMOs have no separate corporate or legal identity;
- CMOs are not employing authorities;
- Members' representational allowance may not directly support a CMO as an independent entity;
- CMOs may not be assigned separate office space;

[5] The Senate Caucus on International Narcotics Control was established by law in 1985. As a formal organization of the Senate, the Caucus has the status of a standing committee. For further information, see "The Senate Caucus on International Narcotics Control," at http://drugcaucus.senate.gov/.

[6] The Committee on House Administration, "Congressional Member Organizations," at http://cha.house.gov/member-services/congressional-memberstaff-organizations/cmocso-registration-form#cmo.

- neither CMOs, nor individual Members, may accept goods, funds, or services from private organizations or individuals to support the CMO;
- Members may use personal funds to support the CMO; and
- CMO Members, in support of the objectives of that CMO, may use employees (including shared employees) and official resources under the control of the Member to assist the CMO in carrying out its legislative objectives, but no employees may be appointed in the name of a CMO.[7]

In terms of communications,

- CMOs may not use the congressional frank, nor may a Member lend his or her frank to a CMO;
- Members may use official resources for communications related to the purpose of a CMO. Any such communications must comply with the franking regulations;
- Members may devote a section of their official website to CMO issues, but CMOs may not have independent web pages;
- Members may use inside mail to communicate information related to a CMO;
- Members may prepare material related to CMO issues for dissemination;
- official funds may not be used to print or pay for stationery for the CMO; and
- Members may refer to their membership in a CMO on their official stationery.[8]

In the 114th Congress, the House amended its rules to allow certain CMOs (Eligible Congressional Member Organizations, or ECMOs) to enter into agreements with individual Members to contribute employment slots and a portion of the Members' Representational Allowance to a dedicated account of the ECMO.[9] These policies were continued in the 115th Congress.[10] Members interested in registering a CMO as an ECMO should consult with the Committee on House Administration regarding the eligibility requirements and registration process.

Why Members Create CMOs and Informal Member Groups

Leading congressional scholars have argued that until the 1970s, Members, especially junior Members, were expected to follow and respect the norms of seniority, apprenticeship, and legislative specialization. Junior Members were, for the most part, "expected to be seen, but not heard, to wait years to build seniority, and to be deferential to his committee chairmen and leaders" and to "develop a narrow specialty within his committee's jurisdiction that would in time contribute to the committee's productivity."[11] Congressional scholars argued that these norms enhanced the ability of both houses of Congress, especially the more populous House, to consider legislation in a relatively efficient manner. As one of these leading congressional scholars noted:

[7] Ibid.

[8] Ibid.

[9] H.Res. 5, 114th Congress, §3(p).

[10] H.Res. 5, 115th Congress, §3(n).

[11] Charles F. Caldwell, "Government by Caucus: Informal Legislative Groups in an Era of Congressional Reform," *The Journal of Law & Politics*, vol. V, no. 3 (Spring 1989), p. 633.

> The committee system divided and processed the workload of Congress and developed specialization and expertise. Committees became the congressional subunits that crafted legislation and operated as policy innovators. The party system coordinated the work of Congress, even if at different times it gave varying attention to monitoring the progress and the substance of legislation.[12]

For many years, most Members viewed following the norms of seniority, apprenticeship, and legislative specialization as a path to achieve what a leading congressional scholar has argued are Members' three primary goals: policy advocacy, reelection, and power within the institution.[13] However, during the 1970s, many Members, especially junior Members, no longer considered these norms compatible with their primary goals.

The decline of party voting by the electorate; the growing influence of mass media, especially of television, in elections; the professionalization of electioneering through the use of consultants and survey research firms; and campaign finance reforms changed the nature of congressional elections. Instead of relying on party organizations for electoral support, Members increasingly formed "a more individualistic and candidate-centered process in which constituency service and attentiveness to district interests represented a sine qua non of successful electioneering."[14] Moreover, during the 1970s Congress's decentralized institutional structure, especially in the House,

> proved increasingly obstructive to the attainment of the political goals of many Members: the role of party leadership was criticized as too conservative, both in terms of its ideological cast and its lack of innovative and integrative properties; important issues went unaddressed by standing and select committees; internal party groups were inadequately represented on party committees; and Members were too often requested to vote on controversial bills which were unlikely to pass successfully into law.[15]

Given these changes, increased rank-and-file participation in the legislative process through the formation of informal Member organizations was seen by many Members, particularly junior Members, as a means to realize both electoral and policy objectives. Electorally, Members could use their participation in informal Member organization activities as a signal to their constituents that they were working on their behalf. Institutionally, participation in informal Member organization activities provided Members an opportunity to join forces with other like-minded Members to address issues that fell both within and outside of their assigned committees, without the need to show deference to the views of their committee and subcommittee leaders. As a leading congressional scholar noted in 1998, informal Member organizations (referred to as caucuses):

> ... are easy to establish and operate.... They are vehicles for information, education, and the development of new policy options, and they can coordinate across party lines and bring adversarial groups together. For these reasons, caucuses have become increasingly important to Members' personal careers and to policy making. Entrepreneurs like Newt Gingrich have used caucuses to develop expertise, influence policy, gain visibility within the House, and launch leadership careers in the formal congressional system. The prevalence of caucuses, their importance in policy making, and their contributions to

[12] Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: The Johns Hopkins University Press, 1998), p. 18.

[13] Richard F. Fenno, *Congressmen in Committees* (Boston: Little, Brown, 1973).

[14] Robert Singh, "The Rise and Fall of Legislative Service Organisations [sic] in the United States Congress," *The Journal of Legislative Studies*, vol. 2, no. 2 (Summer 1996), p. 81.

[15] Ibid.

> Members' careers suggest that they ... likely will persist even in a period of congressional centralization. The caucus system supplements - but also competes with - existing party and committee systems. It works because it serves Members' interests.[16]

Seven CMO Types

During the 1990s, a leading congressional scholar identified the following six distinctive CMO types:

- intraparty CMOs promote the policy views of like-minded Members within a political party;
- personal interest CMOs typically focus on a broad, single concern, such as the environment or children, that is often under the jurisdiction of more than one committee;
- industry CMOs advocate the interests of a particular industry;
- regional CMOs champion the interests of a particular region;
- state/district CMOs advocate the interests of a particular state or district; and
- national constituency CMOs advocate the interests of particular constituencies, such as women, minorities, and veterans.[17]

Since then, diplomacy CMOs have increased in number to the point that they can now be considered their own type, as opposed to a subset of personal interest CMOs. For example, 48 of the 300 CMOs registered with the Committee on House Administration during the 114th Congress concerned themselves with improving foreign relations with another country or region of the world (see **Figure 1**).

Members who join intraparty CMOs, such as the Blue Dog Coalition and the Republican Study Committee, tend to use their CMO membership as a forum to exchange information and develop legislative strategy with party colleagues who share their political ideology. They tend to work on a wide range of issues and "have been important factors in agenda setting" by attracting attention to issues and serving as a forum for the exchange of information and the development of legislative strategy.[18] Eight intraparty CMOs registered with Committee on House Administration during the 114th Congress.

Personal interest CMOs, such as the Congressional Diabetes Caucus and the Congressional Sportsmen's Caucus, tend to focus on increasing public and congressional awareness of issues, offer new solutions for addressing them, and attempt to influence the congressional agenda. Past research has suggested that personal interest CMOs tend to meet less frequently than other CMO types to establish a position or legislative strategy, but are more active than most others in attempting to influence the legislative agenda. They also are more likely than other CMO types to be bipartisan and bicameral.[19] Of the seven different CMO types, personal interest CMOs are the

[16] Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: The Johns Hopkins University Press, 1998), p. 19.

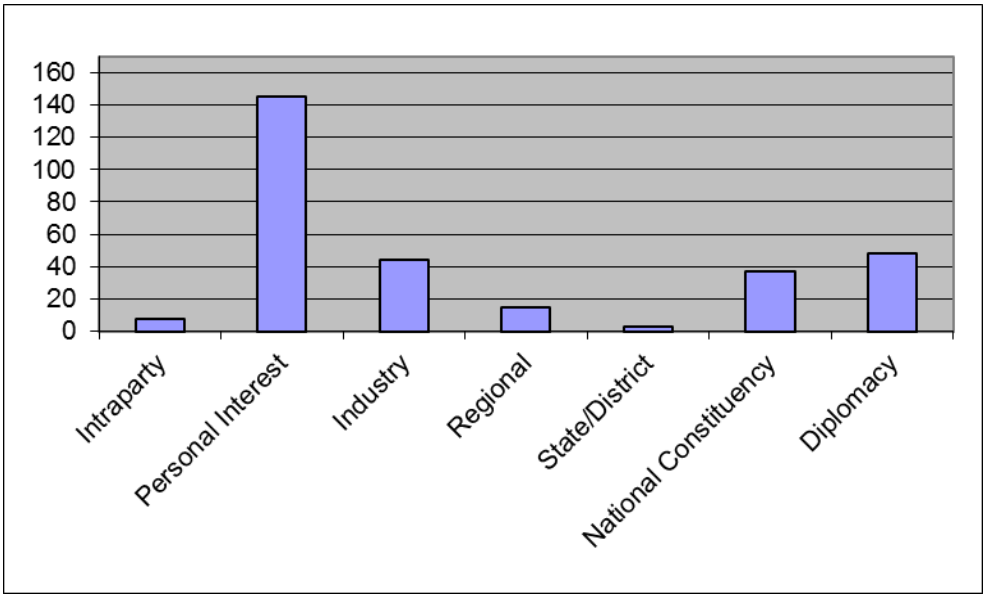
[17] Ibid., pp. 31-35. Note: Dr. Hammond identified six caucus types. Caucus was the preferred term used for informal Member organizations at that time.

[18] Ibid., pp. 87-92.

[19] Ibid., pp. 92-96.

most numerous. During the 114th Congress, 145 personal interest CMOs registered with Committee on House Administration.

Figure 1. CMOs by Type, 114th Congress



Source: CRS computation; and Committee on House Administration, "114th Congress Congressional Member Organizations," at http://cha.house.gov/member-services/congressional-memberstaff-organizations.

Notes: In nearly every instance, the CMO's name clearly indicated which one of the CMO types best described its purpose. In those few instances where the CMO's name created uncertainty concerning which type best described its purpose, the CMO Members' websites and press releases were examined to determine which type best described its purpose.

CMOs that focus on issues of interest to particular industries, such as the Congressional Automotive Caucus, Congressional Shipbuilding Caucus, and Congressional Steel Caucus, tend to attract Members who are strongly committed to promoting that industry's interests. Members often view their membership as a means to increase congressional awareness of the industry's concerns, develop legislative strategy, and signal to constituents that they are actively promoting their interests. Because many industries are subject to federal regulation and are affected by trade agreements, industry CMOs are more likely to interact with executive branch officials than other CMOs. Industry CMOs are of particular interest to junior Members and those who do not serve on the relevant committees of jurisdiction.[20] During the 114th Congress, 44 industry CMOs registered with the Committee on House Administration.

Regional CMOs, such as the Northeast-Midwest Congressional Coalition and Congressional Western Caucus, and state/district CMOs, such as the California Democratic Congressional Delegation, tend to focus on altering distribution formulas in federal grant-in-aid programs and promoting changes in other legislative provisions that they believe will assist their region or state/district. Although regional CMOs tend to be bipartisan, the changes they advocate are sometimes at the expense of other regions, states, or districts and can result in high levels of

[20] Ibid., pp. 30, 105-107.

conflict that cut across partisan affiliation.[21] During the 114th Congress, 15 regional CMOs and 3 state/district CMOs registered with Committee on House Administration.

National constituency CMOs, such as the Congressional Black Caucus, Congressional Hispanic Caucus, and Congressional Hispanic Conference, tend to have broad concerns that often fall under the jurisdiction of more than one committee. In addition to engaging in a wide range of agenda-setting activities, such as testifying before congressional committees and drafting bills and amendments, national constituency CMOs are more likely than other CMOs to attempt to place issues on the legislative agenda. Members tend to join national constituency CMOs to raise public and congressional awareness of their issues, exchange information, and develop legislative strategy.[22] During the 114th Congress, 37 national constituency CMOs registered with Committee on House Administration.

Like personal interest CMOs, diplomacy CMOs, such as the Congressional Caucus on Brazil, Congressional Caucus on India and Indian Americans, and Friends of Scotland Caucus, focus on increasing public and congressional awareness of issues related to the country or region of interest, offer new solutions for addressing them, and attempt to influence the congressional agenda. As mentioned previously, 48 diplomacy CMOs registered with the Committee on House Administration during the 114th Congress.

Arguments For and Against the Formation of CMOs

As mentioned previously, CMOs are formed primarily because many Members view their participation in CMO activities as a means to realize both electoral and policy objectives. A CMO can

- be readily established as circumstances and issues warrant without enacting legislation or changing House, Senate, or party rules;
- open or limit its membership as it deems necessary to accomplish its goals;
- expand Members' opportunities to specialize on issues because there is no limit on the number of CMOs that can exist nor on the number of CMOs that a Member can join;
- serve as a vehicle for the resolution of issue and policy differences between committees, parties, or the two houses;
- provide an opportunity for a comprehensive and coordinated approach to issues over which committee jurisdiction is unclear or fragmented;
- conduct briefings and use other means to provide Members information and analysis on issues of interest;
- attract attention to issues that the CMO members believe need to be addressed; and
- enhance Members' relations and standing with particular constituencies.[23]

[21] Ibid., pp. 100-105.

[22] Ibid, pp. 96-100.

[23] Arthur G. Stevens, Daniel P. Mulhollan and (name redacted), "U.S. Congressional Structure And Representation: The Role of Informal Groups," *Legislative Studies Quarterly*, vol. VI, no. 3 (August 1981), pp. 416-425; Burdett A. Loomis, "Congressional Caucuses and the Politics of Representation," in Lawrence C. Dodd and Bruce I. Oppenheimer, eds. *Congress Reconsidered*, 2nd ed. (Washington, DC: Congressional Quarterly, Inc., 1981), pp. 214-
(continued...)

Some observers have argued that CMOs may offer advantages for individual Members, but they present disadvantages as well, especially for Congress as a whole. Specifically, they have argued that CMOs

- have become so numerous that their significance has been diminished, as nearly every cause or issue has a CMO;
- compete with the formal leadership and committee structure and functions;
- undermine or even impede the legislative process by further fragmenting the congressional policymaking process;
- may facilitate certain special interests in attaining undue attention in the legislative process;
- create a perception of conflict of interest for Members who may have formal legislative responsibilities within the same subject areas covered by the CMO (i.e., by appearing to be an advocate and adjudicator of an issue at the same time); and
- present the possibility of Congress being viewed negatively by the public as overly influenced by special interests.[24]

In the past, some Members and political organizations also objected to the practice, allowed until 1995, of providing informal Member groups congressional office space, funding from the Member's clerk-hire allowance to hire staff, and funding from Member's official expenses allowance to support the group's operating expenses (these allowances, and the Official Mail Allowance, were merged into a single Member's Representational Allowance in 1995).[25] From 1979 to 1995, informal Member groups receiving such assistance were required to register with the Committee on House Administration as legislative service organizations (LSOs).

LSOs were not subject to House rules concerning how House Members and committees could spend public funds. Some Members and political organizations argued that LSOs could bring the

(...continued)

219; Susan Webb Hammond, Daniel P. Mulhollan and Arthur G. Stevens, Jr., "Informal Congressional Caucuses and Agenda Setting," *Western Political Quarterly*, vol. 38, no. 4 (December 1985), pp. 583-605; Charles F. Caldwell, "Government By Caucus: Informal Legislative Groups in an Era of Congressional Reform," *The Journal of Law & Politics*, vol. V, no. 3 (Spring 1989), pp. 638-640; Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: The Johns Hopkins University Press, 1998), pp. 36-53; Eileen Burgin, "Congress, Health Care, and Congressional Caucuses: An Examination of the Diabetes Caucus," *Journal of Health Politics, Policy and Law*, vol. 28, no. 5 (2003), pp. 789-820; Franklin G. Mixon, Jr., Rand W. Ressler and M. Troy Gibson, "Congressional Memberships as Political Advertising: Evidence from the U.S. Senate," *Southern Economic Journal*, vol. 70, no. 2 (October 2003), pp. 414-424; Irwin N. Gertzog, *Women and Power on Capitol Hill: Reconstructing the Congressional Women's Caucus* (Boulder, CO: Lynne Rienner Publishers, 2004), pp. 117-178; and James M. McCormick and Neil J. Mitchell, "Commitments, Transnational Interests, and Congress: Who Joins the Congressional Human Rights Caucus*?" Political Research Quarterly*, vol. 60, no. 4 (December 2007), pp. 579-592.

[24] Randall B. Ripley, *Congress: Process and Policy*, 3rd ed. (New York: W.W. Norton & Company, 1983), pp. 253-260; Charles F. Caldwell, "Government By Caucus: Informal Legislative Groups in an Era of Congressional Reform," *The Journal of Law & Politics*, vol. V, no. 3 (Spring 1989), pp. 640-646; Robert Singh, "The Rise and Fall of Legislative Service Organisations [sic] in the United States Congress," *The Journal of Legislative Studies*, vol. 2, no. 2 (Summer 1996), pp. 81-83; and Lou Dobbs, "Does Congress really need a Swaziland caucus?" CNN.com, June 6, 2007, at http://www.cnn.com/2007/US/06/05/Dobbs.June6/index.html.

[25] The House Clerk Hire Allowance, Official Expenses Allowance, and Official Mail Allowance were merged into the Member's Representational Allowance on September 1, 1995. 2 U.S.C. 57b. For further analysis, see CRS Report RL30064, *Congressional Salaries and Allowances: In Brief*, by (name redacted).

House into public disrepute if they circumvented House spending rules.[26] For example, media reports suggested that some LSO spending and staffing decisions raised ethical questions concerning possible nepotism and cronyism, and that some LSOs used taxpayer funds for expenses that normally were prohibited or required pre-approval for Members and committees.[27] This concern largely dissipated following the decision in 1995 to establish criteria for informal Member groups to register their groups as CMOs and to abolish LSOs by prohibiting Members from providing informal Member groups congressional office space and funding from their Member's Representational Allowance.

Since then, ethical issues have occasionally been aired in the press concerning the nature and extent of Member participation on the governing bodies of outside, non-profit, tax-exempt organizations with informal ties to CMOs, and whether Members should be allowed to raise funds for these organizations.[28] Under the current House ethics rules, House Members are permitted to serve on the boards of certain outside groups, including non-profit foundations and institutes, so long as they do not serve for compensation and their service does not conflict with a Member's general obligation to the public. Members are also permitted to raise funds for certain non-profit organizations. However, they are prohibited from raising money for any organization that is "established or controlled by Members of Congress" without seeking and receiving permission from the House Committee on Ethics.[29] The only exceptions are those expressly permitted by the House Committee on Ethics (campaigns, political action committees, and organizations whose principal activities are unrelated to a Member's official duties):

> The Ethics Reform Act of 1989 enacted a government-wide restriction with respect to the solicitation of funds or other items of value by Members, officers, and employees. This provision, codified at 5 U.S.C. § 7353, bars Members, officers, and employees from asking for or accepting anything of value from anyone who seeks official action from the House, does business with the House, or has interests that may be substantially affected by the performance of official duties. The only exceptions are those expressly permitted by the Standards [now Ethics] Committee, as discussed below, as the supervising ethics office for the House. These statutory restrictions cover the solicitation of "anything of value," regardless of whether the official personally benefits from it.
>
> As a general matter, the Committee permits (without the need to seek prior Committee approval) Members and staff to solicit on behalf of organizations qualified under § 170(c) of the Internal Revenue Code – including, for example, § 501(c)(3) charitable organizations – subject to certain restrictions. Solicitations on behalf of non-qualified entities or individuals are decided on a case–by–case basis through the submission to the Standards [now Ethics] Committee of a written request for permission to make such solicitations. The general permission granted by the Committee does **not** extend to activities on behalf of an organization, regardless of tax status, that was established or is

[26] U.S. Congress, House Commission on Administrative Review of the U.S. House of Representatives, *Administrative Reorganization and Legislative Management: Recommendations and Rationales Concerning Administrative Units and Work Management*, committee print, 95th Cong., 1st sess., September 23, 1977 (Washington: GPO, 1977), pp. 40-43; and Mary Jacoby, "Republicans Ask GAO Audit of All Legislative Service Organizations," *Roll Call* March 15, 1993, p. 8.

[27] Paul M. Rodriquez, "GAO wants to probe House caucuses," *The Washington Times*, June 30, 1993, pp. A1, A10; and Paul M. Rodriquez, "Groups don't play by Congress' rules," *The Washington Times*, June 30, 1993, pp. A1, A10.

[28] Alice A. Love, "LSO Foundations Take Financial Hit," *Roll Call*, April 27, 1995, pp. 1, 17; and Eliza Newlin Carney, "The Cost of Clout," *National Journal*, March 2, 2002, pp. 610-616.

[29] U.S. Congress, House Committee on Standards of Official Conduct [now House Committee on Ethics], *House Ethics Manual*, 110th Cong., 2nd sess., 2008 edition (Washington: GPO, 2008), p. 348, at http://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf.

> controlled by Members (or staff). In such circumstances the Member must seek and be granted written permission by the Standards [now Ethics] Committee before making any solicitations on the organization's behalf. Such permission will only be granted for organizations that exist for the primary purpose of conducting activities that are unrelated to the individual's official duties. The Committee has determined that the only exceptions under the statute are for solicitations on behalf of the campaign and other political entities.[30]

Questions as to whether a nonprofit organization's activities are related to a Member's official duties can be directed to the House Committee on Ethics' Office of Advice and Education.[31]

The Rise and Fall of LSOs and the Institutionalization of CMOs: An Historical Perspective

Congressional Members have gathered together to promote their mutual interests in ad hoc, informal settings, outside of the formal committee and political party systems, since colonial times. For example, when Congress first convened in Washington, DC, many Members resided in local boardinghouses and spent considerable time discussing legislation and building coalitions after-hours with their colleagues who also resided in their house. Historians have noted that there was a close correlation in the voting records among those Members who boarded together, often forming boardinghouse voting blocs.[32] In 1812, the efforts of two informal congressional groups, the War Hawks and the Invisibles, were instrumental in the declaration of war against Great Britain in the War of 1812. In 1841, the Abolitionist Group, an informal congressional group opposed to slavery, hired a staff aide to assist them in opposing a House gag rule that prevented consideration of petitions and legislation opposing slavery. In 1842, several Members of Congress formed the Congressional Temperance Society to advocate abstinence from intoxicating beverages.[33]

More recently, the Chowder and Marching Society was founded in 1949 by 15 Republican House Members, including future Presidents Richard M. Nixon and Gerald R. Ford. It was initially formed to oppose legislation providing monthly bonuses for war veterans, which the Members considered too costly. Its membership later increased to about 40, with one or more Members added each Congress depending on the number of Members who did not return from the preceding Congress. It served as a somewhat exclusive social forum for leading Republican Members of Congress to discuss pending legislation and legislative strategy.[34] In 1957, several freshmen House Republican Members formed the Acorns. It met weekly and served both as a social group and as a forum to discuss legislative issues.[35]

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[30] Ibid., pp. 347, 348.

[31] For further information and analysis concerning the House Committee on Ethics, see CRS Report R40760, *House Office of Congressional Ethics: History, Authority, and Procedures*, by (name redacted)

[32] James Sterling Young, *The Washington Community, 1800-1828* (New York: Columbia University Press, 1966), pp. 98-109.

[33] Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: The Johns Hopkins University Press, 1998), pp. 36-39.

[34] Irwin N. Gertzog, *Congressional Women: Their Recruitment, Integration and Behavior*, 2nd ed., revised (Westport, CT: Praeger Publishers, 1995), pp. 92-95.

[35] Leroy N. Rieselbach, *Congressional Politics* (New York: McGraw-Hill Book Company, 1973), p. 160; and Charles (continued...)

Prior to the 104th Congress (1995-1997), the terms congressional Member organization, informal group, and congressional caucus were used almost interchangeably to describe informal Member organizations. Initially, informal group was the most commonly used term. However, by the early 1980s, the institutionalized nature of some of the groups and the regulation of those recognized as LSOs by the Committee on House Administration starting in 1979 led many political observers to prefer the term congressional caucus. By the late 1980s, congressional Member organization was being used more frequently. It helped to distinguish unofficial groups from official party caucuses of Members (also called a caucus by House Democrats and a conference by Senate Democrats and by Republicans in both houses). However, pursuant to rules promulgated by the Committee on House Oversight (now named the Committee on House Administration) on February 8, 1995, the term congressional Member organization, as expressly defined, referred solely to groups registered with the committee. As a result, since 1995 the term congressional Member organization has been used to describe informal Member groups registered with the Committee on House Administration and the term informal Member group has been used for informal Member organizations not registered with the committee.

The 1950s: The Democratic Study Group is Established

The Democratic Study Group (DSG), established in 1959, is considered by many observers to be the first modern informal Member organization. It was formed by moderate and liberal House Democrats to counter the influence of southern conservative Democrats who chaired many of the House's committees at the time.[36] Forty Members attended its organizational meeting in 1959. Over time, its membership increased, ranging from 115 to 170 dues-paying Members during the early 1970s, to around 225 dues-paying Members during the mid-1970s, and 250 dues-paying Members in 1980. Membership then fell to around 200 dues-paying Members during the remainder of the 1980s.[37]

Initially, DSG meetings focused on providing legislative briefings for its members, and on developing strategy concerning pending floor legislation.[38] Later, the DSG gained influence in the House by establishing a whip system and using paid staff "to develop legislative proposals and produce research and policy analyses."[39] DSG staff briefing papers and information on scheduled floor votes became essential reading material for many Members, especially for those Members who were not serving on the committee of jurisdiction. A leading congressional scholar described the DSG's influence on the legislative process:

> Operating out of an office on the top floor or the Longworth House Office Building, DSG staff briefing papers and information on scheduled floor legislation filled an information gap left open by party leaders. Even Republicans subscribed to the DSG *Legislative Report* for its detailed, balanced descriptions of bills and proposed amendments

(...continued)

F. Caldwell, "Government By Caucus: Informal Legislative Groups in an Era of Congressional Reform," *The Journal of Law & Politics*, vol. V, no. 3 (spring 1989), p. 630.

[36] Arthur G. Stevens, Jr., Arthur H. Miller, and Thomas E. Mann, "Mobilization of Liberal Strength in the House, 1955-1970: The Democratic Study Group," *The American Political Science Review*, vol. 68, no. 2 (June 1974), pp. 669-671.

[37] Ibid., p. 669; and Randall P. Ripley, *Congress: Process and Policy*, 3rd ed. (New York: W.W. Norton & Company, 1983), pp. 256-257.

[38] Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: The Johns Hopkins University Press, 1998), p. 1.

[39] Peter Farnham, "Congressional Caucuses: Beyond the Smoke and Mirrors," *Executive Update Magazine* (November 2003), at http://www.asaecenter.org/PublicationsResources/EUArticle.cfm?ItemNumber=11753.

> scheduled for floor action and for information on the rules setting the terms of floor debate. By 1977, 37 percent of House Members and 66 percent of legislative assistants surveyed by the House Commission on Administrative Review reported relying heavily on DSG material for information on legislation scheduled for floor action. Even a higher proportion of legislative assistants used DSG information for committee work and to keep up-to-date on public issues.[40]

The 1960s: Two Informal Member Groups Were Organized

In 1963, 14 moderate and liberal House Republican freshmen, led by Representative F. Bradford Morse (R-MA), formed the Wednesday Group to serve as a forum for the exchange of information on pending legislation. Its membership later grew to about 30 Members. In 1966, Senators Jacob Javits (R-NY), Joseph Clark (D-PA), and George McGovern (D-SD) and Representative Robert Kastenmeier (D-WI) formed the non-partisan Members of Congress for Peace Through Law (MCPL) to advocate their views on foreign affairs and defense policy and concerns about the escalating Vietnam conflict. One of its Members, Representative Paul McCloskey (R-CA), declared "[t]he beauty of the MCPL, the great function that it performs, is that it gives us a source of knowledge and an opportunity for self-information outside the formal committee work.... Essentially, it's a rebel organization. We're rebelling against the close ties between the Administration and committee chairmen who have a monopoly on information."[41]

For several years, the DSG, Wednesday Group, and MCPL were the only informal Member groups within Congress that achieved a visible and enduring status within the institution.

The 1970s: Informal Member Groups Increased in Number and Became Subject to House Regulations

As shown in **Table 1**, the number of informal Member groups increased during the 1970s. In 1970, the Conference of Great Lakes Congressmen and, in 1971, the Congressional Black Caucus, organized by Representative Charles Diggs (D-MI) as the Democratic Select Committee in 1969, increased the number of informal Member groups to five.[42] No new informal Member groups were formed in 1972. In 1973, six more were formed, and the number continued to increase, reaching 45 in 1979 and 59 in 1980, not counting class clubs.

Table 1. House Congressional Member Organizations, House Legislative Service Organizations, and House and Senate Informal Groups, 92nd-114th Congresses

Congress	House Congressional Member Organizations	House Legislative Service Organizations	House Informal Groups	Senate Informal Groups	Total
114th (2015-2016)	300	—	403	97	800
113th (2013-2014)	336	—	314	89	739

[40] Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: The Johns Hopkins University Press, 1998), p. 1.

[41] Charles F. Caldwell, "Government By Caucus: Informal Legislative Groups in an Era of Congressional Reform," *The Journal of Law & Politics*, vol. V, no. 3 (spring 1989), p. 631.

[42] The Democratic Select Committee did not meet on a regular basis, see Marguerite Ross Barnett, "The Congressional Black Caucus," *Proceedings of the Academy of Political Science*, vol. 32, no. 1 (1975), p. 34.

Congress	House Congressional Member Organizations	House Legislative Service Organizations	House Informal Groups	Senate Informal Groups	Total
112th (2011-2012)	388	—	216	85	689
111th (2009-2010)	324	—	273	68	665
110th (2007-2008)	306	—	152	37	495
109th (2005-2006)	289	—	96	39	417
108th (2003-2004)	240	—	75	35	350
107th (2001-2002)	105	—	67	29	201
106th (1999-2000)	75	—	85	25	185
105th (1997-1998)	70	—	82	26	178
104th (1995-1996)	56	—[a]	73	25	154
103rd (1993-1994)	—	28	63	22	113
102nd (1991-1992)	—	30	71	23	124
101st (1989-1990)	—	30	63	23	116
100th (1987-1988)	—	32	55	22	109
99th (1985-1986)	—	35	45	23	103
98th (1983-1984)	—	36	36	20	92
97th (1981-1982)	—	31	27	12	70
96th (1979-1980)	—	26	22	11	59
95th (1977-1978)	—	—	27	5	32
94th (1975-1976)	—	—	18	3	21
93rd (1973-1974)	—	—	9	3	12
92nd (1971-1972)	—	—	5	0	5

Sources: The Committee on House Administration, "Congressional Member Organizations," at http://cha.house.gov/member-services/congressional-memberstaff-organizations; CRS Congressional Distribution Memorandum, "Congressional Member Organizations: 110th Congress," by (name redacted) (available by request from Mr. Mansfield); CRS Report RL32263, *Informal Congressional Groups and Member Organizations: 109th Congress, 2nd Session*, by (name redacted) (availab le by request); CRS Report RL32263, *Informal Congressional Groups and Member Organizations: 108th Congress, 1st Session*, by (name redacted) and Colton Campbell (available by request); CRS Report RL30288, *Informal Congressional Groups and Member Organizations, 106th Congress: An Informational Directory*, by (name redacted) (available by request); CRS Report RL30041, *Informal Congressional Groups and Member Organizations, 105th Congress: An Informational Directory,* by (name redacted) (available by request); CRS Report 96-15, *Informal Congressional Groups and Member Organizations: Selected Questions and Responses,* by (name redacted) (available by request); U.S. General Accounting Office, *Legislative Service Organizations: Proposed Accounting Standards and Guidelines*, GAO/AIMD-94-49, December 16, 1993, p. 28, at http://www.gao.gov/assets/220/218923.pdf; and CRS computations utilizing the *Congressional Yellow Book* (Washington, DC: Monitor Publishing Company), various years; the Committee on House Oversight/Committee on House Administration's website, various years; and staff contacts.

Notes: House informal groups include bicameral informal groups. LSOs were certified by the Committee on House Oversight/Committee on House Administration from 1979 to 1995. House CMOs were defined and certified by the Committee on House Oversight/Committee on House Administration starting in 1995.

a. The Committee on House Oversight/Committee on House Administration revoked previous certifications of all LSOs, effective January 11, 1995. There were 28 LSOs at that time.

As the number of informal Member groups increased during the 1970s, several Members and political organizations called for their regulation, arguing that they operated largely beyond the reach of Member ethics rules and without any specific, externally imposed rules or any direct congressional oversight.[43] After examining these concerns, the Commission on Administrative Review of the U.S. House of Representatives recommended in September 1977 that informal Member groups "should be held accountable for the spending of public monies."[44]

To accomplish this goal, the commission recommended that any informal Member group receiving public resources from a House Member and financial or in-kind resources from outside groups be required to file an annual report including the name of the organization, the name of its chair and all staff, the organization's purpose and activities, the number of Members in the organization or who receive services from the organization, a list of all receipts and expenditures in excess of $100 per year, and the name, address, and occupation of all persons and organizations making contributions or contributions in-kind in excess of $100 per year. The commission also recommended criteria for certification as an LSO (e.g., the group shall have been in existence for at least one year with a full-time staff whose salaries were entirely paid from the clerk-hire allowance of not less than 25 Members, each of whom shall have provided at least $1,000, etc.) and, among other regulations, recommended that LSOs be prohibited from accepting contributions or contributions in-kind from groups outside the House of Representatives.[45] However, the commission's recommendations were never considered by the full House because the rule providing for their consideration, H.Res. 766, was defeated in the House, 160-252, on October 12, 1977.[46]

On January 3, 1979, the House Select Committee on Ethics, after examining House ethics guidelines for nearly two years, issued its final report. Among its findings was that informal Member groups were exempt from language in House Rule XLV, which prohibited the establishment of unofficial office accounts.[47] On April 4, 1979, the Committee on Standards of Official Conduct issued an advisory opinion that determined that informal Member groups were exempt from House Rule XLIII, clause 11, which prohibited Members of the House from authorizing or allowing a non-House individual, group, or organization from using the words "Congress of the United States," "House of Representatives," "Official Business," or any combination thereof on any letterhead or envelope.[48]

Given continuing concerns that without congressional oversight informal Member groups might be used to circumvent House ethics rules, on July 18, 1979, the Committee on House Administration issued the first regulations governing their activities. It required informal Member groups receiving disbursements from a Member's clerk-hire allowance or allowance for official

[43] J. Terrence Brunner and Peter M. Manikas, "Informal Legislative Groups in the House of Representatives: Financing and Organizations: A Report of the Better Government Association," Washington, DC: Better Government Association, November 1981, pp. 12-20.

[44] U.S. Congress, House Commission on Administrative Review of the U.S. House of Representatives, *Administrative Reorganization and Legislative Management: Recommendations and Rationales Concerning Administrative Units and Work Management*, committee print, 95th Cong., 1st sess., September 23, 1977 (Washington: GPO, 1977), p. 40.

[45] Ibid., pp. 41-42.

[46] "Providing for the consideration of House Resolution 766, Reform of the Administrative Organization and Legislative Management Services of the House of Representatives," remarks in the House, *Congressional Record*, vol. 123, part 26 (October 12, 1977), p. 33444.

[47] U.S. Congress, House Committee on House Administration, Ad Hoc Subcommittee on Legislative Service Organizations, *Legislative Service Organizations, report relating to the Legislative Service Organizations and Applicable Regulations*, committee print, 97th Cong., 2nd sess., June 24, 1982 (Washington: GPO, 1982), pp. 2-3.

[48] Ibid., p. 3.

expenses, office space controlled by the House Office Building Commission, or furniture, supplies, or equipment to

- register with the Clerk of the House as an LSO;
- provide the Clerk a summary of their finances semi-annually, including, among other information, a listing of their officers and staff, a summary of funds received and disbursed, and an itemization of all receipts and disbursements if $1,000 or more in the aggregate;
- have its chair, or senior House Member certify the amount of employee salaries, the physical location of each employee, and the regular performance of official duties; and
- make a monthly certification of the amount of clerk-hire fees disbursed and identify the LSO employees receiving the funds, with the salary amounts issued directly by the Clerk.[49]

The 1980s: Informal Member Groups Continued to Increase in Number and LSOs Came Under Increased Scrutiny

As indicated in **Table 1**, the number of informal Member groups in the House and Senate continued to increase during the 1980s. The number of LSOs in the House remained fairly stable, ranging from 26 to 36. Together, the number of informal Member organizations in Congress surpassed the 100 mark in 1986.

Early in 1981, Representative Augustus F. Hawkins (D-CA), chair of the Committee on House Administration, directed committee staff to evaluate the committee's 1979 regulations' effect on the 26 informal congressional organizations that had registered as LSOs, and to make recommendations based on their findings. At the same time, because LSOs were not subject to House rules concerning how House Members and committees could spend public funds, several organizations argued that LSOs could bring the House into public disrepute if they were used to circumvent House spending rules.[50] There were concerns that public funding could be used by LSOs for activities prohibited by House rules, such as the hiring of Member relatives. For example, the Better Government Association (BGA) initiated a study of LSOs and submitted its findings in a memorandum to Representative Hawkins on September 18, 1981:

> As a result of their ambiguous status within the House, some special interest caucuses routinely ignore the House ethics code that was enacted in the wake of Koreagate and other Congress-related scandals. In short, this means that what legislators and their staffs were prohibited from doing as individuals, they can now do by acting as a group. Specifically, informal House groups can receive an unlimited amount of funds from special interest lobbying groups; they have not reported the proceeds from fundraising events as campaign contributions; one caucus has received contributions from foreign governments; and caucus related institutes have accepted hundreds of thousands of dollars in non-bid grants from federal agencies. All of these activities, if conducted by a Member acting individually, would clearly be prohibited by House rules or federal law.

[49] Ibid., pp. 3, 179.

[50] U.S. Congress, House Commission on Administrative Review of the U.S. House of Representatives, *Administrative Reorganization and Legislative Management: Recommendations and Rationales Concerning Administrative Units and Work Management*, committee print, 95th Cong., 1st sess., September 23, 1977 (Washington: GPO, 1977), pp. 40-43; and Mary Jacoby, "Republicans Ask GAO Audit of All Legislative Service Organizations," *Roll Call*, March 15, 1993, p. 8.

> Additionally, the BGA has found that some caucuses have not fully complied with the Committee's order requiring informal House groups to disclose their finances. As a result, it is virtually impossible to determine the full extent to which special interest caucuses rely on outside funding and whether conflicts of interest exist among caucus staff.[51]

On September 22, 1981, the Committee on House Administration formed the Ad hoc Subcommittee on Legislative Service Organizations, chaired by Representative William R. Ratchford (D-CT), to complete the work begun by the committee's staff and to report back to the full committee its findings within 30 days. It conducted a hearing on October 1, 1981, featuring presentations from eight LSOs, three Members, and the Better Government Association. On October 15, 1981, the Ad hoc Subcommittee adopted several recommendations that were forwarded to the full committee for consideration and subsequently approved by voice vote on October 21, 1981. During full committee markup, Representative Gary A. Lee (R-NY) offered an amendment in the nature of a substitute to deny LSOs and all other informal Member groups in the House funding and support from congressional, as well as outside, sources. The two party organizations, the Republican Conference and the Democratic Caucus, would be exempt from the prohibition. The amendment was defeated by voice vote. After approving two other amendments, the recommendations from the Ad hoc Subcommittee were approved. Under the new regulations:

- LSOs may not receive income or contributions, either in cash or in-kind, from any source other than Congress or its Members from their personal accounts, except that they may take advantage of educational intern, fellowship, or volunteer programs when the programs are primarily of educational benefit to the participating interns, fellows, or volunteers and they may distribute any report, analysis, or other research material prepared by others so long as the identity of the person or organization authoring the work is fully disclosed;
- any informal Member group receiving contributions or any form of income from any source other than Congress or its Members (except as noted above) shall not be located in space under control of the House and shall receive no other support from the House or from Members of the House via their allowances;
- when a Member authorizes a person working for an LSO to be compensated, in whole or in part, from their clerk-hire allowance, the Clerk of the House shall disburse salary payments to such employee(s) only upon a monthly certification by said Member of the identification of the LSO for which the employee has performed duties, and upon a monthly certification by the chair or ranking House Member of the LSO as to the amount of said salary;
- each LSO shall submit a quarterly report to the Clerk of the House not later than 30 days after the end of the reporting period which shall be available to the public through the Office of Records and Registration. Each report shall contain (1) the name, business address, officers, and number of Members of the organization; (2) total receipts for the quarter, including clerk-hire, and a summary of said receipts by category (e.g., clerk-hire, or dues); (3) total

[51] U.S. Congress, House Committee on House Administration, Ad Hoc Subcommittee on Legislative Service Organizations, *Legislative Service Organizations, report relating to the Legislative Service Organizations and Applicable Regulations*, committee print, 97th Cong., 2nd sess., June 24, 1982 (Washington: GPO, 1982), p. 168. Note: BGA released a longer report in November 1981; see J. Terrence Brunner and Peter M. Manikas, "Informal Legislative Groups in the House of Representatives: Financing and Organizations: A Report of the Better Government Association," Washington, DC: Better Government Association, November 1981.

> disbursements for the quarter plus a listing of the recipient, purpose, and amount of all disbursements in excess of $200 in the aggregate during the quarter; (4) a listing of the name, business address, and job title of all persons employed by the organization, their total compensation during the quarter, and the dates of their employment; (5) name and sponsor of all interns, fellows, or volunteers associated with the LSO; (6) a general description of the legislative services or other assistance associated with the LSO provided to its Members during the quarter; (7) a listing of all reports, analyses, or other material provided to Members during the quarter provided by the LSO; and (8) a copy of the sponsorship statement required to be filed with the Committee on House Administration at establishment and May 1 of each even-numbered year thereafter.[52]

The requirement to submit detailed, quarterly reports was effective January 1, 1982. The other regulations were effective January 1, 1983.

As mentioned previously, the number of informal Member groups continued to increase during the 1980s, but the number of LSOs remained fairly stable. The lack of available House office space may help to explain why the number of LSOs did not increase. Expansion of personal and committee staffs, and the addition of new support agencies, such as the now-unfunded Office of Technology Assessment in 1972 and the Congressional Budget Office (CBO) in 1974, "placed substantial logistical pressures upon Congress's physical capacity to house new staff."[53] Congress has used House Annex 2 (later renamed the Ford House Office Building) for office space since it was vacated by the Federal Bureau of Investigation in 1974. CBO is still housed there and, during the 1980s, it housed many LSOs. The building was fully occupied by 1981.

The 1990s: LSOs Were Abolished and CMOs Were Created

As shown in **Table 1**, the number of informal Member organizations continued to increase during the 1990s. One notable difference with earlier decades was a relatively substantial increase in the number of informal Member organizations registered with the Committee on House Oversight/Committee on House Administration. As will be discussed, the House abolished LSOs in January 1995 and the Committee on House Oversight (now the Committee on House Administration) soon thereafter issued regulations that defined CMOs and governed their behavior.

During the late 1980s and early 1990s, some Members and political organizations questioned the financial integrity of some LSOs, arguing that their quarterly financial reports were incomplete, misleading, or habitually late. They also argued that sanctions for non-compliance were non-existent, and "contributed to the continued laxity of particular LSOs" in filing their quarterly financial reports.[54] For example, at a May 1993 House hearing, Representative (now Senator) Pat

[52] U.S. Congress, House Committee on House Administration, Ad Hoc Subcommittee on Legislative Service Organizations, *Legislative Service Organizations, report relating to the Legislative Service Organizations and Applicable Regulations*, committee print, 97th Cong., 2nd sess., June 24, 1982 (Washington: GPO, 1982), pp. 13-15.

[53] Robert Singh, "The Rise and Fall of Legislative Service Organisations [sic] in the United States Congress," *The Journal of Legislative Studies*, vol. 2, no. 2 (Summer 1996), p. 85.

[54] Ibid., p. 89; and Dan Mason and Dan Greenberg, "New House Rules: A Victory For Congressional Reform," Backgrounder #1013, The Heritage Foundation, Washington, DC, January 3, 1995, http://www.heritage.org/Research/GovernmentReform/BG1013.cfm.

Roberts (R-KS), then a member of the Committee on House Administration, criticized LSO accounting procedures:

> The big picture is the House LSOs with millions of dollars in Federal tax dollars missing and unaccounted for. These are an embarrassment to the Congress. I think it could be a national disgrace. It could rival last year's bank, restaurant, and post office scandals. My independent 10 year review involves surprising and alarming figures. It shows that Members of Congress have funneled more than $34 million in tax funds on LSO operations. Those LSOs in turn report spending of $26.8 million.... $7.7 million are absent. They have simply disappeared. One out of every $5 is missing, unreported, and unaccounted for.... At the very least we should have an outside audit, an accounting of what has happened to these funds, then we need to consider what steps can be taken to respond to this problem.[55]

Some Members and political organizations also objected to certain LSOs' links with external groups and affiliated foundations, arguing that those relationships raised suspicions of impropriety.[56] In addition, media reports suggested that some LSO spending and staffing decisions raised ethical questions concerning possible nepotism and cronyism, and accused some LSOs of using taxpayer funds for expenses that normally were prohibited or required pre-approval for Members and committees.[57] Also, some congressional scholars raised concerns about LSOs' decentralizing effect on the congressional policymaking process.[58]

In response to concerns about lax filing of LSO financial reports, on August 5, 1993, the Committee on House Administration, chaired by Representative Charlie Rose (D-NC), issued new LSO financial accounting requirements, effective January 1, 1994. During committee markup, Representative Roberts offered an amendment in the nature of a substitute to abolish LSOs, with exceptions for the Democratic Caucus and Republican Conference. His amendment was defeated on voice vote.[59] The new regulations

- placed LSOs' financial management under the House Finance Office (eliminating individual LSO bank accounts outside Congress), including payroll and expense vouchers;
- required LSOs to file proposed budgets starting in January, including a statement of purpose and a list of all employees and Members;
- subjected LSO employees to House ethics rules; and

[55] U.S. Congress, Joint Committee on the Organization of Congress, *Committee Structure*, 103rd Cong., 1st sess., May 6, 1993, S.Hrg. 103-74 (Washington: GPO, 1993), pp. 317-318.

[56] Robert Singh, "The Rise and Fall of Legislative Service Organisations [sic] in the United States Congress," *The Journal of Legislative Studies*, vol. 2, no. 2 (Summer 1996), p. 89; Paul M. Rodriquez, "GAO wants to probe House caucuses," *The Washington Times*, June 30, 1993, p. A1; and Mary Jacoby, "Republicans Ask GAO Audit of All Legislative Service Organizations," *Roll Call*, March 15, 1993, p. 8.

[57] Paul M. Rodriquez, "GAO wants to probe House caucuses," *The Washington Times*, June 30, 1993, pp. A1, A10; and Paul M. Rodriquez, "Groups don't play by Congress' rules," *The Washington Times*, June 30, 1993, pp. A1, A10.

[58] Robert Singh, "The Rise and Fall of Legislative Service Organisations [sic] in the United States Congress," *The Journal of Legislative Studies*, vol. 2, no. 2 (Summer 1996), pp. 81-83; Randall B. Ripley, *Congress: Process and Policy*, 3rd ed. (New York: W.W. Norton & Company, 1983), pp. 253-260; and Charles F. Caldwell, "Government By Caucus: Informal Legislative Groups in an Era of Congressional Reform," *The Journal of Law & Politics*, vol. V, no. 3 (Spring 1989), pp. 640-646.

[59] Robert Singh, "The Rise and Fall of Legislative Service Organisations [sic] in the United States Congress," *The Journal of Legislative Studies*, vol. 2, no. 2 (Summer 1996), p. 94; and Paul M. Rodriquez, "Panel seeks reform of service groups funded by Congress," *The Washington Times*, August 6, 1993, p. A4.

- required LSOs to file annual, year-end statements disclosing cash-on-hand, expenses, and receipts.[60]

The Republican Party achieved majority status in the House following the 1994 congressional elections. House Republican leaders designated Representative Roberts head of a transition effort to determine the Party's position concerning LSOs. At that time, there were 28 LSOs, with 16 of them housed in House office space, primarily in the Ford House Office Building.

On December 6, 1994, incoming House Speaker Newt Gingrich announced that the House Republican Conference had, by voice vote, adopted a resolution to prohibit LSOs. Both he and Representative Roberts emphasized in media interviews that Members would still be able to form CMOs, but that they would no longer be subsidized by taxpayers' dollars.[61] Later, congressional scholars suggested that eliminating LSOs was also consistent with Speaker Gingrich's objective to centralize control over the committee system in general. As one scholar argued, "eliminating LSOs removed one institutional impediment to achieving a more hierarchical congressional structure in which party leaders and conferences assume an enhanced political importance.... The removal of autonomous and entrepreneurial actors such as LSOs was fully consonant with achieving a more centralized and rationalized House."[62]

The effort to prohibit LSOs was opposed by most House Democrats, led by members of the Democratic Study Group, Congressional Black Caucus, Congressional Hispanic Caucus, and Congressional Caucus for Women's Issues. For example, more than 150 members of the Democratic Study Group, which had 18-full time employees and a $1.6 million budget in 1993, signed a letter in December 1994 to then-incoming Speaker Gingrich opposing the group's prohibition as "an effort to censor opposing views, and to deny the primary source of information to the minority party as we embark upon a furious legislative schedule."[63] Representative David Obey (D-WI), a former DSG chair, opposed the prohibition of LSOs and was quoted in the press as saying, "I don't have a problem with centralized power within an institution, but centralizing information is a very dangerous thing. It invites manipulation of information by committees; it invites the rationing of information."[64]

On January 4, 1995, the opening day of the 104th Congress, the House adopted H.Res. 6, the House rules for that Congress. H.Res. 6 included a provision (§222) that prohibited "the establishment or continuation of any legislative service organization (as defined and authorized in the One Hundred Third Congress)."[65] The House directed the Committee on House Oversight

[60] Ibid.; and CRS Report 97-707, *Caucuses and Legislative Service Organizations of the 103rd Congress, 2nd Session: An Informational Directory*, by (name redacted) (available by request from the author).

[61] Nancy E. Roman and Major Garrett, "GOP to cut off funding for House caucuses," *The Washington Times*, December 7, 1994, pp. A1, A16; Alice A. Love, "LSO Money: Where Will It All Go?" *Roll Call*, December 8, 1994, pp. 1, 21; and Marcia Gelbart and Deborah Kalb, "GOP to dump 28 LSOs, backtracks on staff cuts," *The Hill*, vol. 1, no. 12, December 7, 1994, pp. 1, 10.

[62] Robert Singh, "The Rise and Fall of Legislative Service Organisations [sic] in the United States Congress," *The Journal of Legislative Studies*, vol. 2, no. 2 (Summer 1996), p. 95.

[63] Alice A. Love, "Already, LSOs Start to Go Private Route," *Roll Call*, December 12, 1994, p. 20; Alice A. Love, "LSO Money: Where Will It All Go?" *Roll Call*, December 8, 1994, pp. 1, 21; Kenneth J. Cooper, "Plan to Curb Caucuses Draws Plenty of Heat," *The Washington Post*, December 8, 1994, p. A7; Nancy E. Roman and Major Garrett, "Franking becomes GOP's sacred cow," *The Washington Times*, December 8, 1994, p. A4; and David S. Cloud, "GOP's House-Cleaning Sweep Changes Rules, Cuts Groups," *Congressional Quarterly, Weekly Report*, December 10, 1994, pp. 3487-3489.

[64] Alice A. Love, "LSO Money: Where Will It All Go?" *Roll Call*, December 8, 1994, p. 21.

[65] H.Res. 6, "Rules of the House," *Congressional Record*, vol. 141, part 1 (January 4, 1995), p. 469.

(now the Committee on House Administration) to "take such steps as are necessary to ensure an orderly termination and accounting for funds of any legislative service organization in existence on January 3, 1995."[66] During floor debate, House Majority Leader Representative Dick Armey (R-TX) defended the prohibition of LSOs as a budget-saving measure:

> Our first goal is greater responsibility with the people's money. We will reduce the size and cost of a Congress that has grown unchecked for too many years. We will slash the number of committees and subcommittees, and reduce committee staff by a third, saving taxpayers about $40 million a year. We will stop the funding of 28 special-interest caucuses that cost $5 million a year.[67]

Members opposing the prohibition of LSOs praised them for their work in raising awareness of issues and providing Members information and analysis. For example, during floor debate Representative Cardiss Collins (D-IL) argued,

> Mr. Speaker, I rise today to voice my opposition to the elimination of legislative service organizations in the House of Representatives. As a member of several invaluable legislative service organizations, I know first-hand the important role they have played in analyzing and promoting legislation to assist Members working together on common interests and in pursuit of common goals. In the case of the Congressional Black Caucus and the Congressional Caucus for Women's Issues, LSOs have enabled Americans who are significantly underrepresented in Congress to have a more united and more effective voice in the legislative process.[68]

The Committee on House Oversight (now the Committee on House Administration) subsequently revoked previous certifications of all LSOs, effective January 11, 1995. LSOs were instructed to stop spending money and vacate their offices by January 31, 1995. They were given until March 30, 1995, to pay all outstanding bills. Any balances in their accounts after April 3, 1995, were to be returned to the U.S. Treasury to reduce the national debt.[69] On February 8, 1995, the committee issued regulations defining CMOs and governing their activities:

> A CMO is an informal organization of Members who share official resources to jointly carry out activities.... [It has] no separate corporate or legal identity apart from the Members who comprise it.... [It] is not an employing authority, and no staff may be appointed by, or in the name of a CMO. A CMO may not be assigned separate office space.[70]

CMO organizers were required to provide the CMO's name, a statement of purpose, the names and titles of officers, and the name of any personal staff member (including shared employees) designated to work on the CMO's issues when they registered with the committee, and as changes in information warranted. Members could not use funds from their official allowances to support CMO activities or lend their frank to a CMO. CMOs could not accept funds or resources from

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[66] Ibid.

[67] Rep. Dick Armey, "Rules of the House: House Resolution 6," remarks in the House, *Congressional Record*, vol. 141, part 1 (January 4, 1995), p. 469.

[68] Rep. Cardiss Collins, "Rules of the House: House Resolution 6," remarks in the House, *Congressional Record*, vol. 141, part 1 (January 4, 1995), p. 482.

[69] Robert Singh, "The Rise and Fall of Legislative Service Organisations [sic] in the United States Congress," *The Journal of Legislative Studies*, vol. 2, no. 2 (Summer 1996), p. 96; and Irwin N. Gertzog, *Women and Power on Capitol Hill: Reconstructing the Congressional Women's Caucus* (Boulder, CO: Lynne Rienner Publishers, 2004), p. 77.

[70] Committee on House Oversight, "1995 House Congressional Member Organization Regulations," Section C, p. 2, cited in CRS Report 96-15, *Informal Congressional Groups and Member Organizations: Selected Questions and Responses*, by (name redacted) (available by request) .

outside groups or individuals to support their operations. However, Members could use their own personal funds for that purpose.[71]

Most (23) of the 28 LSOs reorganized and continued operating either as an informal Member group (8) or as a CMO (15). Four LSOs disbanded, including one that became a private, non-profit organization and another that transferred its research responsibilities to the House Republican Conference. Another LSO was absorbed by the House Democratic Caucus.[72]

One of the concerns raised about LSOs was the potential impropriety of co-mingling public and private funding in LSO budgets. The dissolution of LSOs, and subsequent Committee on House Administration regulations prohibiting Members from using their Member Representational Allowance to support directly a CMO as an independent entity; assigning them separate office space; or accepting goods, funds, or services from private organizations or individuals to support the CMO, effectively resolved that issue.

Following the dissolution of the 28 LSOs in existence at that time, some of the former 96 LSO staff members who lost their positions continued to provide research and analysis on public policy issues covered by the LSO by joining the staff of non-profit organizations working on those issues. Some political observers believed that the demise of LSOs in 1995 might have signaled the end, or at least a significant reduction, of the number, role, and influence of informal Member organizations in Congress.[73] Instead, the number of CMOs and informal Member groups continued to increase, reaching 185 in 1999.

CMOs in the 21st Century

As indicated in **Table 1**, the number of CMOs and informal Member groups in both the House and Senate has more than quadrupled since 2000, with the largest increase experienced during the 111th Congress and further increases experienced during the 112th through 114th Congresses.[74] This increase has taken place even though (with limited exceptions in specific circumstances)[75] House Members can no longer provide CMOs and informal Member groups congressional office space; use the congressional frank or lend them money to support their activities; use their Member Representational Allowance to directly support them as an independent entity; or accept goods, funds, or services from private organizations or individuals to support their activities.[76]

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[71] Ibid.

[72] Irwin N. Gertzog, *Women and Power on Capitol Hill: Reconstructing the Congressional Women's Caucus* (Boulder, CO: Lynne Rienner Publishers, 2004), p. 77; Kenneth J. Cooper, "Cut Back, Caucuses Struggle to Go Forward," *The Washington Post*, March 23, 1995, p. A25 (corrected March 24, 1995); CRS Report RL30288, *Informal Congressional Groups and Member Organizations, 106th Congress: An Informational Directory*, by (name redacted) (available by request); and CRS Report RL30041, *Informal Congressional Groups and Member Organizations, 105th Congress: An Informational Directory*, by (name redacted) (available by reques t).

[73] Irwin N. Gertzog, *Women and Power on Capitol Hill: Reconstructing the Congressional Women's Caucus* (Boulder, CO: Lynne Rienner Publishers, 2004), pp. 77-86; Robert Singh, "The Rise and Fall of Legislative Service Organisations [sic] in the United States Congress," *The Journal of Legislative Studies*, vol. 2, no. 2 (Summer 1996), pp. 96, 97; Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: The Johns Hopkins University Press, 1998), p. 212; and Kenneth J. Cooper, "Cut Back, Caucuses Struggle to Go Forward," *The Washington Post*, March 23, 1995, p. A25 (corrected March 24, 1995).

[74] For the past several years, the House Committee on Administration has been working to increase awareness among House Members of the requirement to register CMOs with the committee.

[75] See section above, "CMOs: Their Purpose and Activities."

[76] The Committee on House Administration, "Congressional Member Organizations," at http://cha.house.gov/member-services/congressional-memberstaff-organizations/cmocso-registration-form#cmo.

However, House Members can "utilize employees (including shared employees) and official resources under the control of the Member to assist the CMO in carrying out its legislative objectives" and "may use personal funds to support the CMO."[77] Also, much of the research and analysis that was provided by LSO staff in the past is now provided by non-profit organizations informally affiliated with CMOs. For example, the Congressional Black Caucus Foundation's website mentions that it "provides an African American perspective on public policy through the publication of fact sheets, policy briefs, and policy papers and through periodic policy forums and workshops" and that "our efforts are supported by members of the Congressional Black Caucus."[78]

As a result, despite the demise of LSOs and limitations imposed on the options available to House Members to support informal Member organizations, CMOs and, to a somewhat lesser extent given their ad-hoc nature, informal Member groups, have retained an important role in the congressional policymaking process. Their influence has endured largely because many Members continue to consider their participation in informal Member groups and CMOs as advantageous in achieving their primary goals of policy advocacy, reelection, and power within the institution.

[77] Ibid.

[78] Congressional Black Caucus Foundation, "President's Message," Washington, DC, at http://www.cbcfinc.org/who-we-are/presidentsmessage.html.

Appendix. Initiating a CMO

There is no standardized procedure for initiating a CMO. However, a few basic steps are often involved when such a group is being organized.

Define the Objective

First, clearly state the group's objective(s). What is its purpose?

Determine the Level of Interest

The founding Member(s) determines whether there is sufficient interest to warrant organizing the group. A number of methods may be used in making this determination. These include informal discussions with colleagues; communications with constituents (individuals and organizations); and the Member's personal judgment and interest.

The extent to which an issue or interest is fragmented within the committee system may also be a factor. In an effort to bring the various aspects of an issue under one entity, a number of groups have been organized around issues which were widely dispersed among several committees and subcommittees.

Consult Prospective "Core" Members

Sometimes, the organizing Member(s) selects a few colleagues with an interest in the issue, consults with them about the group, and enlists their support in organizing it. In many instances, these Members serve as the group's executive officers, coordinators, or sponsors, and are the activists who lay the group's foundation and shape its policy. This informal gathering of "core" Members may occur before the group is actually established or shortly thereafter.

Consider Internal Institutional Concerns

In an effort to avoid the appearance of rivalry or duplication with party or committee positions and policy, group organizers may wish to consult with party and committee leadership, or inform them of the intent to form the organization. Similar consideration may also be given to any existing groups which handle relevant aspects of the issue(s) or policy. Organizers will likely want to give careful consideration to the group's name in order to avoid confusion with other existing entities (whether formal or informal).

Identify Likely Membership

CMO membership is voluntary. Eligibility criteria for membership are determined by the group itself. Membership may be open to all Members who are willing to join, or it may be limited to invitees only. Membership may be open to

- one party only or both parties;
- the House only or both the House and the Senate;
- regions which share specific economic concerns;
- districts or states;
- Members who share personal characteristics;

- Members whose constituents share personal or occupational characteristics; or
- Members who share issue interests.

Membership may also be based upon committee and subcommittee assignments. For example, the Port Caucus, which existed from 1977 through 1988, consisted primarily of members of two House committees—the Merchant Marine and Public Works Committees. Similarly, the membership lists of the committees and subcommittees with primary jurisdiction over the relevant issue(s) can be used to identify prospective CMO members. This procedure can provide an indication of whether, how, and by whom the issue is handled. It may also identify some Members who would either support or oppose the group.

Seek Necessary Information and Guidance

The Committee on House Administration has issued specific regulations governing groups that register as CMOs. The regulations appear in the Members' Congressional Handbook, which is available online at http://cha.house.gov/handbooks/members-congressional-handbook#Members-Handbook-Organizations.

After reviewing these regulations, House Members may wish to contact the Committee on House Administration, the House Commission on Congressional Mailing Standards (also known as the Franking Commission), the Committee on Standards of Official Conduct's Office of Advice and Education, and any other authorities, as appropriate, for guidance.

Notify or Announce the CMO's Formation

There are instances where formation of a CMO has been announced on the House floor, in the *Congressional Record*, by the media (through press releases, news articles, newsletters, television interviews, etc.), and internally, through circulation of "Dear Colleague" letters to Members. The "Dear Colleague" letter and announcement usually invite Members to join the group and explain its goals, anticipated activities, and reason(s) for being formed. Sometimes, notification of a group's formation also includes language aimed at assuring that the group is not being established to supplant the structure or operations of any committee or party organizations.

Register with the Committee on House Administration

As mentioned previously, any informal group of House Members that wishes to use personal staff to work on behalf of an informal Member group, discuss their membership in the group in official communications, or mention their membership on their official House website must register the group with the Committee on House Administration as a CMO.

CMO Organizational Structure

Each CMO determines its own organizational structure. All CMOs are required to have at least one identifiable leader who is designated as the group's sponsor when it is registered with the Committee on House Administration. That Member, or Members if there is more than one sponsor, is listed as the CMO's chair, or co-chairs, on the committee's web page. Beyond that, many CMOs have little or no formal organizational structure. Often, the founding Member or Members serve as the group's officers or coordinators, without formal election or designation. Leadership responsibilities (e.g., coordinating the group's activities, scheduling meetings, distributing information on group issues and actions, etc.) are undertaken by Members who

volunteer, and group business usually is handled by staff in an individual Member's office as part of their regular office duties.

Several groups have a structure that includes any combination of the following elements: officers (e.g., chair, co-chair, vice chair, secretary); an executive committee (alternatively called an executive board, steering committee, or advisory panel); and subunits (usually called task forces or working groups).

The chair usually is a Member who is highly interested in the issue(s) surrounding the group's organization. More often than not, he or she "steps forth" to serve in that role or agrees to accept the position when recruited. Usually, he or she also designates staff to serve as (the) key contact person(s) for the group and to provide assistance on group business.

Most bipartisan or bicameral CMOs have had more than one chair (i.e., co-chairmen) to emphasize the bipartisan or bicameral aspect of the organization. For example, a CMO might have two co-chairs, one from each party. Or, the CMO might have a chair, who may be a Member of either party in either house, as well as a Senate co-chair and a House co-chair, while prescribing that all three officers cannot be members of the same party.

Several CMOs have a chair, vice chair, and secretary. A few have opted for an even more stratified structure, one which might include whips and an executive committee. Class groups (i.e., freshmen in a particular Congress) usually have a structure that includes a president, vice president, and secretary.

Most of the bicameral groups are also bipartisan, and their organizational structure usually reflects these characteristics. Thus, many bicameral CMOs require that the group's leadership be comprised of Members from both parties and both houses. Current CMO regulations provide that "Members of both the House and Senate may participate in CMO, but at least one of the Officers of the CMO must be a Member of the House."[79]

Executive Committee/Steering Committee/Advisory Board

For most CMOs, the officers or executive committee administer the group's activities and set its agenda. Often, the executive committee also serves as the CMO's source of expertise, and it advises the group on certain issues. An executive committee serving in this advisory capacity sometimes comprises Members who serve on the committees and subcommittees with primary jurisdiction over the issue(s) of concern to the group. Other bases for advisory or executive committee membership might be the Member's state or region, common characteristic(s) of Members' constituents or congressional districts, or shared characteristics among the Members themselves, including their "class" group, knowledge, or interest. Some CMOs have separated the administrative and advisory roles of the executive committee by creating an advisory committee, apart from the executive committee.

How are the Chairs and Other Officers Selected?

Like other internal operational matters, the manner by which the CMO's chair(s) is selected is left to the discretion of each CMO. A CMO may use an informal method of selection, whereby Members volunteer to serve as chair. If more than one Member expresses such interest, a co-chair arrangement may be used. Or, the interested Members themselves may work out an agreement as

[79] The Committee on House Administration, "Congressional Member Organizations: Membership," http://cha.house.gov/member-services/congressional-memberstaff-organizations/cmocso-registration-form#cmo.

to who will serve, perhaps so that some Members serve during the first session and others during the second session. Alternatively, a group may choose a more formal process whereby interested Members must be nominated and then stand for election by the total membership or the executive committee.

Invariably, the initial chair(s) is the CMO's founder. Often, he or she continues to serve until no longer a Member or until he or she relinquishes the position. However, in some instances, tenure as CMO chair is limited, either by custom or by rule (in the CMO's bylaws).

Staff

Currently, CMOs cannot employ staff. It is the individual Members and not the CMO who are the employing entities. Thus, CMO business is handled by staff of individual Members (often the group's chair(s)) as part of their regular duties. Frequently, the staff member works in an area related to the group's issue(s).

Beginning in the 114th Congress, the House amended its rules to allow certain CMOs (Eligible Congressional Member Organizations, or ECMOs) to enter into agreements with individual Members to contribute employment slots and a portion of the Members' Representational Allowance to a dedicated account of the ECMO.[80] Members interested in registering a CMO as an ECMO should consult with the Committee on House Administration regarding the eligibility requirements and registration process.

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[80] H.Res. 5, §3(p).