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# Congressional Member Organizations (CMOs) and Informal Member Groups: Their Purpose and Activities, History, and Formation

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SUMMARY

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# Congressional Member Organizations (CMOs) and Informal Member Groups: Their Purpose and Activities, History, and Formation

This report examines the historical development and contemporary role of Congressional Member Organizations (CMOs) in the House, as well as informal Member groups in the House, Senate, and across the chambers. Commonly, these groups are referred to as caucuses, but they will be referred to collectively as *informal Member organizations* in this report to avoid confusion with official party caucuses. Some examples of groups that modern observers would consider informal Member organizations date back as far as the early 1800s, but the number of groups has grown substantially since the 1990s.

Members of the House and Senate may form these groups and participate in their activities for a variety of reasons. Often the objectives of these groups coincide with Members' policy objectives or representational considerations. These groups enable Members to exchange information and ideas with colleagues, and can facilitate interactions among Members who might not otherwise have opportunities to work with one another.

Some groups may be eligible to register with the Committee on House Administration as a *Congressional Member Organization* (CMO), which enables House Members to utilize some personal office resources in support of CMO legislative activities. CMOs may include Senators among their members, but the Senate has no registration process for Member groups. 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.

Since the 1970s, the House has issued various regulations governing informal Member organizations. This history provides some additional background on existing CMO regulations and can provide further insights about some of the perceived benefits and shortcomings of these groups. To increase accountability and transparency in an era when Member groups had greater access to institutional resources, the House created its first regulations in 1979 for Member groups registered with the Committee on House Administration as Legislative Service Organizations (LSOs). In 1995, LSOs were abolished and CMOs were created, with limited abilities to use official resources in support of Member groups. Beginning in 2015, the Committee on House Administration created a designation of *Eligible Congressional Member Organizations* (ECMOs) for certain CMOs, which enables Members to assign personal office staff to work on behalf of an ECMO; 11 CMOs in the 117th Congress were designated as ECMOs.

The number of CMOs and informal Member groups has increased substantially since the 1990s. This increase has taken place even though (with limited exceptions in certain specific circumstances) House Members can no longer (1) use their Members' Representational Allowance (MRA) to directly support a CMO or informal Member group as an independent entity; (2) provide congressional office space for these organizations; (3) use the congressional frank to support their activities; or (4) accept goods, funds, or services from private organizations or individuals to support their activities. Despite these limits imposed on the options available to House Members to support informal Member organizations, CMOs and other informal Member organizations have retained an ongoing 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 legislative and representational goals.

# Contents

Introduction ..... 1
Types of Informal Member Organizations ..... 1
Congressional Member Organizations (CMOs) ..... 1
Eligible Congressional Member Organizations (ECMOs) ..... 2
Informal Member Groups in the House and Senate ..... 3
Number of Informal Member Organizations Over Time ..... 3
Purpose of Informal Member Organizations ..... 4
Types of Informal Member Organizations ..... 6
Historical Development of Informal Member Organizations ..... 7
Examples of Early Informal Member Organizations ..... 8
Mid-20th Century Informal Member Organizations ..... 8
Growth of Informal Member Organizations Beginning in the 1970s ..... 9
Concluding Observations ..... 16

## Tables

Table 1. Informal Member Organizations for Selected Congresses, 1971-2022 ..... 4

## Appendixes

Appendix. Initiating a CMO ..... 17

## Contacts

Author Information ..... 20

# Introduction

Several hundred informal Member organizations exist within the House of Representatives, Senate, or between both the chambers; these organizations typically reflect Members' shared legislative objectives or representational interests. These groups may commonly be described as congressional caucuses, working groups, or task forces, but in this report, will be identified, collectively, as *informal Member organizations*, to avoid confusion with official party caucuses.

In the House of Representatives, some groups may register with the Committee on House Administration to form a *Congressional Member Organization* (CMO). CMOs registered with the Committee on House Administration can include groups exclusively for House Members or bicameral groups that include House Members and Senators.[1] Informal Member organizations that are not registered with the Committee on House Administration are called *informal Member groups*; these include groups exclusive to the Senate, which does not have any formal registration process for informal Member organizations. These distinctions are described in greater detail in the sections below.

The **Appendix** provides some considerations for House Members seeking to form a CMO. Some of these considerations that are not exclusive to the House process, such as determining a group's objective and possible membership, may also be of interest to Senators or House Members seeking to form an informal Member group.

# Types of Informal Member Organizations

There are two types of informal Member organizations: Congressional Member Organizations (CMOs) and informal Member groups.

## Congressional Member Organizations (CMOs)

The term *Congressional Member Organization* refers to a group of Members that is registered with the Committee on House Administration to support a common legislative objective. CMOs may be composed of House Members exclusively, or they may include House Members and Senators. The requirements to register a group as a CMO, as well as guidelines governing how official resources under the control of the Member may be available to use for CMO activities, are provided on the website of the Committee on House Administration.[2]

To become a CMO, the Committee on House Administration requires that at least one of the officers associated with the group must be a Member of the House. A group seeking identification as a CMO must also register with the Committee on House Administration by submitting a letter on official letterhead via email containing the name of the CMO, its statement of purpose, names

[1] Registration with the Committee on House Administration enables House Members belonging to a CMO to utilize certain personal office resources in support of a CMO's legislative objectives. This allows a House Member to assign personal office staff to assist with CMO work, to use official communications to discuss information related to the group, and to dedicate a section of his or her official House website to CMO issues. As an organization, a registered CMO may request use of internal House mail, House intranet site, and a postbox through House Postal Operations. Certain CMOs may be able to register with the Committee on House Administration as Eligible Congressional Member Organizations (ECMOs), which enables Members to assign personal office staff to work on behalf of an ECMO.

[2] Committee on House Administration, "Congressional Member Organizations," at https://cha.house.gov/member-services/congressional-member-and-staff-organizations/cmocso-registration-submission#cmo.

of its officers, and contact information for staff designated to work on issues related to the CMO.[3] If a group's application complies with the Committee on House Administration's guidelines for CMOs and is approved by the committee, the group will be included in the online list of registered CMOs for the current Congress.[4] A registered CMO may request use of internal House mail, House intranet site, and a postbox at House Postal Operations. A CMO must reregister with the Committee on House Administration in every Congress to maintain its status as such.

House Members may have personal office staff (including shared employees) assist a CMO with its legislative objectives. CMOs are not employing authorities, nor do they have separate corporate or legal identities. House Members may also utilize some official resources for CMO activities, subject to limitations established by the Committee on House Administration. CMOs cannot be assigned office space, host a separate website, send franked mail, or use official funds to print or pay for stationery. The Members' Representational Allowance (MRA) may not be used to directly support a CMO as an independent entity, nor can individual Members use their franking privilege on behalf of a CMO. Members may use official resources for communications related to a CMO, to prepare materials related to CMO issues for dissemination, or to publicize CMO issues on a section of their official House website.[5] Neither CMOs nor individual Members may accept funds, goods, or services from private individuals or organizations to support the CMO. Members may, however, use personal funds to support a CMO.[6]

House Members who join CMOs must conduct their activities in accordance with applicable provisions in law, the *House Ethics Manual*, *Members' Congressional Handbook*, and Rules of the House (including House Rule XXIII, the House Code of Official Conduct). Some additional guidance addressing CMO and informal Member group funding is available on the House Committee on Ethics website.[7] 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; the Commission on Congressional Mailing Standards (also known as the Franking Commission); and the Office of Advice and Education of the House Committee on Ethics for information and guidance. Additional regulations may apply to shared employees.

## Eligible Congressional Member Organizations (ECMOs)

Beginning in the 114th Congress, the House amended its rules to allow certain CMOs to be designated as *Eligible Congressional Member Organizations* (ECMOs).[8] Members may assign personal office staff to work on behalf of an ECMO and transfer associated MRA funds for

[3] Committee on House Administration, "Congressional Member Organizations," at https://cha.house.gov/member-services/congressional-member-and-staff-organizations/cmocso-registration-submission#cmo.

[4] In addition to the list of CMOs for the current Congress, the website also provides lists of registered CMOs for each Congress since the 107th Congress. See Committee on House Administration, "Congressional Member and Staff Organizations," at https://cha.house.gov/congressional-member-and-staff-organizations.

[5] For assistance with website sections, see House Web Services, "Redesigns," at https://housenet.house.gov/communications/websites/redesigns.

[6] The current registration requirements and regulations associated with CMOs are available from the Committee on House Administration, "Congressional Member Organizations," at https://cha.house.gov/member-services/congressional-member-and-staff-organizations/cmocso-registration-submission#cmo.

[7] See https://ethics.house.gov/official-outside-organizations/official-support-organizations.

[8] H.Res. 5, January 9, 2023 (118th Congress), §3(w). For House Rules provisions regarding ECMOs from previous Congresses, see H.Res. 8, January 9, 2021 (117th Congress), §3(o); H.Res. 6, January 9, 2019 (116th Congress), §103(p); H.Res. 5, January 3, 2017 (115th Congress), §3(n); and H.Res. 5, January 6, 2015 (114th Congress), §3(p).

salaries and expenses for those employees to a dedicated House account administered by the ECMO. Provisions addressing ECMOs have been included as special orders in the resolutions adopting rules for the House in subsequent Congresses, most recently in H.Res. 5 (118th Congress). The Committee on House Administration can promulgate relevant regulations regarding the use of MRA funds, shared employees, and access of House services. To qualify for ECMO status, a group must have been a registered CMO in the preceding Congress, with shared employees from at least 30 House Member offices; register as a CMO in the 118th Congress; designate a single House Member as administrator of the group; and have at least three House employees assigned to perform work on its behalf.[9] The Committee on House Administration provides further information about the eligibility and disclosure requirements, registration process, and other regulations for ECMOs.[10]

### Informal Member Groups in the House and Senate

In addition to registered CMOs, informal Member groups exist in the House, Senate, and across the chambers. Some informal groups with House Members may be loosely organized associations of like-minded Members; others may be more structured and operate similarly to CMOs but are not registered with the Committee on House Administration. In general, the rules and regulations that apply to House Members as individuals apply to their participation in informal Member groups, including applicable provisions in law, the *House Ethics Manual*, *Members' Congressional Handbook*, and Rules of the House (including House Rule XXIII, the House Code of Official Conduct). The Committee on House Administration and House Committee on Ethics can provide further guidance for Members.

The Senate does not have a registration process for informal Member groups. 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, nonofficial 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. Further guidance may be available to Senators from the Senate Committee on Ethics and Committee on Rules and Administration. Separate regulations expressly recognizing them and prescribing their operations have never been implemented in the Senate.[11]

## Number of Informal Member Organizations Over Time

The number of identified informal Member organizations has varied over time, but has generally increased, and more markedly so since the 1990s. **Table 1** provides information on the number of informal Member organizations in selected Congresses between the 92nd Congress (1971-1972) and the 117th Congress (2021-2022). The Committee on House Administration provides

[9] H.Res. 5, January 9, 2023 (118th Congress), §3(w).

[10] U.S. House, Committee on House Administration, *Eligible Congressional Member Organizations Handbook*, available at https://cha.house.gov/member-services/handbooks.

[11] 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/.

information on registered CMOs for each Congress since the 107th Congress (2001-2002), which includes House-only organizations and some bicameral organizations.[12] It is more challenging to tally the number of informal Member groups because they are not officially tracked by the House or Senate. Self-reported information from House Members' offices and Senators' offices available from *Leadership Connect* and the *Congressional Yellow Book* identifies additional informal groups, some of which may be chamber-specific and some of which may be bicameral groups.

**Table 1. Informal Member Organizations for Selected Congresses, 1971-2022**

| Congress | House Congressional Member Organizations (CMOs) | House Legislative Service Organizations (LSOs) | House Informal Groups | Senate Informal Groups | Total |
|---|---|---|---|---|---|
| 117th (2021-2022) | 408[a] | — | 337 | 75 | 820 |
| 112th (2011-2012) | 388 | — | 216 | 85 | 689 |
| 107th (2001-2002) | 105 | —[b] | 67 | 29 | 201 |
| 102nd (1991-1992) | — | 30 | 71 | 23 | 124 |
| 97th (1981-1982) | — | 31 | 27 | 12 | 70 |
| 92nd (1971-1972) | — | — | 5 | 0 | 5 |

**Sources:** Committee on House Administration, "Congressional Member and Staff Organizations," at https://cha.house.gov/congressional-member-and-staff-organizations; CRS computations utilizing *Leadership Connect* database for the 117th Congress; and previous CRS computations using the *Congressional Yellow Book* (Washington, DC: Leadership Directories, Inc.), the Committee on House Oversight/Committee on House Administration's website, various years, and staff contacts for the 92nd-112th Congresses.

**Notes:** House and Senate informal groups may 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. This number includes the 11 CMOs designated as Eligible Congressional Member Organizations (ECMOs).

b. The Committee on House Oversight/Committee on House Administration revoked previous certifications of all LSOs, effective January 11, 1995.

# Purpose of Informal Member Organizations

Informal Member organizations typically exist as forums to discuss ideas and potential activities related to public policy or representational considerations. Groups may engage in direct legislative advocacy for a particular issue or concern, provide opportunities to educate Members and staff on policy matters, or generate broader public awareness on these topics. Groups often hold regular Member or staff meetings to exchange information and develop legislative strategy. Many informal Member organizations also invite outside speakers and groups to make presentations to their Members.[13] Some informal Member organizations may have a relatively narrow legislative interest or objective. Other groups may have a broader focus and address

[12] See Committee on House Administration, "Congressional Member And Staff Organizations," at https://cha.house.gov/congressional-member-and-staff-organizations.

[13] Susan Webb Hammond, *Congressional Caucuses in National Policy Making* (Baltimore: The Johns Hopkins University Press, 1998), pp. 80-109 (hereinafter, Hammond, *Congressional Caucuses in National Policy Making*); 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.

multiple issues of concern for a particular geographic region, economic sector, or generalized policy area.

Many Members view their participation in informal group or CMO activities as a means to realize both electoral and policy objectives. An informal Member organization can

- be readily established as circumstances and issues warrant without first 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 groups that can exist or on the number of groups 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 group members believe need to be addressed; and
- enhance Members' relations and standing with particular constituencies.[14]

In addition to the benefits that informal Member organizations may provide, some observers have noted certain limitations or disadvantages to these groups. Specifically, they have argued that informal Member organizations

- have become so numerous that their significance has been diminished, as nearly every cause or issue has a Member organization;
- 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 informal

[14] 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 (hereinafter, Caldwell, "Government By Caucus"); Aoife McCarthy, "Congressional Caucuses: Something for Every Special Interest," *Politico*, March 19, 2007, at https://www.politico.com/story/2007/03/congressional-caucuses-something-for-every-special-interest-003193; Jennifer Nicoll Victor and Nils Ringe, "The Social Utility of Informal Institutions: Caucuses as Networks in the 110th U.S. House of Representatives," *American Politics Research*, vol. 37, no. 5 (September 2009), pp. 742-766; Thomas B. Langhorne, "Bipartisan Caucuses in Congress Pack a Punch," *Evansville Courier & Press*, October 13, 2018, at https://www.courierpress.com/story/news/2018/10/13/bipartisan-caucuses-congress-pack-punch-secrets-hill/1508610002/; and Andrew J. Clarke, "Congressional Capacity and the Abolition of Legislative Service Organizations," *Journal of Public Policy* (November 2018), at https://doi.org/10.1017/S0143814X1800034X.

Member organization (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.[15]

Ethical considerations have arisen related to the nature and extent of Member participation on governing bodies of outside, nonprofit, tax-exempt organizations with informal ties to CMOs, particularly with regard to Members' participation in fundraising for these outside foundations.[16] Under the current House ethics rules, House Members are permitted to serve on the boards of certain outside groups, including nonprofit 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. House Members are also permitted to raise funds for certain nonprofit organizations, but they are prohibited from raising money for any organization that is "established or controlled by Members (or staff)" without receiving permission from the House Committee on Ethics.[17]

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.[18]

# Types of Informal Member Organizations

In addition to the distinction between CMOs and informal Member groups, informal Member organizations may be broadly categorized by the purpose of the group. In general, six categories can serve as a classification system for informal Member organizations, although some informal Member organizations may be difficult to fit into any category or may fit into multiple categories. The six categories of informal Member organizations are

1. intraparty (promoting the policy views of like-minded Members within a political party);
2. personal interest (typically focused on a broad, single concern, such as the environment or children, that is often under the jurisdiction of more than one committee);

[15] Randall B. Ripley, *Congress: Process and Policy*, 3rd ed. (New York: W.W. Norton & Company, 1983), pp. 253-260; Caldwell, "Government By Caucus," 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) (hereinafter, Singh, "The Rise and Fall of Legislative Service Organisations [sic]"), pp. 81-83; 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; and Sarah Mimms and National Journal, "Congress Has a Caucus for Everything," *The Atlantic*, April 18, 2014, at https://www.theatlantic.com/politics/archive/2014/04/congress-caucus-for-everything/360894/.

[16] 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.

[17] U.S. Congress, House Committee on Ethics, *House Ethics Manual*, 117th Cong., 2nd sess., 2022 print, pp. 347-348, at https://ethics.house.gov/sites/ethics.house.gov/files/documents/2022/House-Ethics-Manual-2022-Print.pdfhttp://ethics.house.gov/sites/ethics.house.gov/files/documents/2008_House_Ethics_Manual.pdf. The *Ethics Manual* notes that the Committee has determined that solicitations on behalf of a campaign or other political entity (such as a party organization or political action committees) are general exceptions to this rule, and notes that "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."

[18] For further information and analysis concerning the House Committee on Ethics, see CRS Report R40760, *House Office of Congressional Ethics: History, Authority, and Procedures*.

3. industry (advocating the interests of a particular industry);
4. regional (championing the interests of a particular region);
5. state/district (advocating the interests of a particular state or district); and
6. national constituency (advocating the interests of particular groups of constituents, such as women, minorities, and veterans).[19]

Members who join intraparty Member organizations, such as the Blue Dog Coalition and the Republican Study Committee, tend to use their 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.[20]

Personal interest Member organizations, 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.

CMOs that focus on issues of interest to particular industries, such as the 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.

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 promoting legislative provisions that they believe will assist their region or state/district.

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.[21]

# Historical Development of Informal Member Organizations

Since the earliest Congresses, Members have gathered to promote their mutual interests in ad hoc, informal settings, outside of the formal committee and political party systems. This section provides examples of some of these early groups, followed by the developments that shaped the modern system of informal Member organizations. Two key changes for informal Member organizations in the House are also discussed: the development of Legislative Service

[19] Hammond, *Congressional Caucuses in National Policy Making*, pp. 31-35. Note: Dr. Hammond identified six caucus types. Caucus was the preferred term used for informal Member organizations at that time.

[20] Hammond, *Congressional Caucuses in National Policy Making*, pp. 87-92.

[21] Hammond, *Congressional Caucuses in National Policy Making*, pp. 96-100.

Organizations (LSOs), which operated from 1979 to 1994, and the creation of congressional Member organizations (CMOs) in 1995.

## Examples of Early Informal Member Organizations

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.[22] 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.[23] In 1833, several Members of Congress formed the Congressional Temperance Society to advocate abstinence from intoxicating beverages, and the group remained active until 1899.[24] In the 1840s, the Abolitionist Group, an informal congressional group, worked in opposition to slavery.[25]

## Mid-20th Century Informal Member Organizations

One prominent Member group from the mid-20th century was the Chowder and Marching Society, which 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. As its membership increased over time, it served as a somewhat exclusive social forum for leading Republican Members of Congress to discuss pending legislation and legislative strategy.[26] In 1957, several freshman House Republicans formed the Acorns, which served both as a social group and as a forum to discuss legislative issues.[27]

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.[28] Forty Members attended its organizational meeting in 1959. Over time, the dues-paying membership of the DSG increased, ranging from 115 to 170 Members during the early 1970s, to around 225 during the mid-1970s, and 250 in 1980. Membership then fell to around 200 dues-paying Members during the remainder of the 1980s.[29]

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

[23] Hammond, *Congressional Caucuses in National Policy Making*, p. 36.

[24] Hammond, *Congressional Caucuses in National Policy Making*, pp. 36-37; "Cold Water Congressmen: The Congressional Temperance Society Before the Civil War," *The Historian*, vol. 24, no. 4 (1965), p. 498.

[25] Hammond, *Congressional Caucuses in National Policy Making*, pp. 38-39.

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

[27] U.S. House of Representatives, Office of the House Historian, "Name? Origins of the Chowder & Marching Club," January 15, 2014, at https://history.house.gov/Blog/Detail/15032400030; Leroy N. Rieselbach, *Congressional Politics* (New York: McGraw-Hill Book Company, 1973), p. 160; and Caldwell, "Government By Caucus," p. 630.

[28] 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 (hereinafter, Stevens, Miller, and Mann, "The Democratic Study Group").

[29] Stevens, Miller, and Mann, "The Democratic Study Group," p. 669; and Randall P. Ripley, *Congress: Process and*

Initially, DSG meetings focused on providing legislative briefings for Members and developing strategy concerning pending floor legislation.[30] Later, the DSG gained influence in the House by establishing a whip system and using paid staff to create research and policy analyses. DSG staff briefing papers and information on scheduled floor votes became essential reading material for many Members, especially for those who were not serving on the committee of jurisdiction. A leading congressional scholar described the DSG's influence on the legislative process as follows:

> Operating out of an office on the top floor of 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 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.[31]

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 nonpartisan 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.[32]

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.

## Growth of Informal Member Organizations Beginning in the 1970s

The establishment of the Conference of Great Lakes Congressmen in 1970 and the Congressional Black Caucus (CBC)[33] in 1971 increased the number of informal Member organizations to five. By 1980, the number of informal Member organizations had grown to 59, not counting class clubs. During the 1970s, scholars note that Members were largely expected to follow and respect the norms of seniority, apprenticeship, and legislative specialization within the committee system. For Members who felt that these institutional arrangements inhibited their personal or policy objectives, informal Member organizations may have provided an alternative system for policy

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*Policy*, 3rd ed. (New York: W.W. Norton & Company, 1983), pp. 256-257.

[30] Hammond, *Congressional Caucuses in National Policy Making*, p. 1.

[31] Hammond, *Congressional Caucuses in National Policy Making*, p. 1.

[32] Caldwell, "Government By Caucus," p. 631.

[33] For additional historical information on the CBC, see House Office of the Historian, "Creation and Evolution of the Congressional Black Caucus," at http://history.house.gov/Exhibitions-and-Publications/BAIC/Historical-Essays/Permanent-Interest/Congressional-Black-Caucus/; also Marguerite Ross Barnett, "The Congressional Black Caucus," *Proceedings of the Academy of Political Science*, vol. 32, no. 1 (1975), pp. 34-50.

work that provided greater opportunities for individual policy specialization, representation of constituent interests, and working with like-minded colleagues.[34]

### *House Regulation of Groups as Legislative Service Organizations (LSOs)*

As the number of informal Member organizations grew throughout the 1970s, several Members and political organizations called for regulation of these groups, arguing that they operated largely beyond the reach of congressional ethics rules and were not subject to any direct congressional oversight.[35]

In September 1977, the Commission on Administrative Review of the House of Representatives recommended that informal Member groups "should be held accountable for the spending of public monies."[36] To accomplish this goal, the commission made recommendations for informal Member organizations, generally,[37] and created recommended criteria for groups seeking recognition by the House as Legislative Service Organizations.[38] The commission's recommendations were never considered by the full House, however, because the rule providing for their consideration, H.Res. 766, was defeated in the House, 160-252, on October 12, 1977.[39]

A report from the House Select Committee on Ethics from January 3, 1979, found that informal Member groups were exempt from language in House Rule XLV, which prohibited the establishment of unofficial office accounts.[40] 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

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[34] Caldwell, "Government By Caucus," p. 633; Hammond, *Congressional Caucuses in National Policy Making*, p. 19.

[35] 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*, Better Government Association, November 1981, pp. 12-20.

[36] 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 (hereinafter, House Commission on Administrative Review, *Administrative Reorganization and Legislative Management*).

[37] The House Commission on Administrative Review 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.

[38] Among its recommendations to become an LSO, the House Commission on Administrative Review recommended that a group shall have existed for at least one year with a full-time staff whose salaries were entirely paid from the clerk-hire allowance of at least 25 Members who each provided at least $1,000. It also recommended that LSOs be prohibited from accepting financial or in-kind contributions from groups outside of the House. See House Commission on Administrative Review, *Administrative Reorganization and Legislative Management*, pp. 41-42.

[39] "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.

[40] 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.

"Congress of the United States," "House of Representatives," "Official Business," or any combination thereof on any letterhead or envelope.[41]

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 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.[42]

Because LSOs were not subject to House rules concerning how House Members and committees could spend public funds, however, several organizations argued that LSOs could bring the House into public disrepute if they were used to circumvent House spending rules.[43] One outside organization told the Committee on House Administration 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.[44]

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[41] 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. 3.

[42] 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. 3, 179.

[43] 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.

[44] 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*, Better Government Association, November 1981.

On September 22, 1981, the Committee on House Administration formed the Ad hoc Subcommittee on Legislative Service Organizations. In October 1981, the subcommittee held a hearing and adopted several recommendations regarding the regulation of LSOs. The full committee adopted these recommendations on October 21, 1981, which included the following regulations:

- LSOs could 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) could not be located in space under control of the House and could not receive other support from the House or from Members of the House via their allowances.
- The Clerk of the House would disburse salary payments to an employee authorized by a Member to work for an LSO, dependent upon receiving a monthly certification by the employing Member and by the chair or ranking Member of the LSO.
- Each LSO would submit a quarterly report to the Clerk of the House no later than 30 days after the end of the reporting period, which would be publicly available and contain (1) the name, business address, officers, and number of Members of the organization; (2) total receipts for the quarter with a summary of receipts by category (e.g., clerk-hire, or dues); (3) total 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.[45]

The Committee on House Administration's requirement to submit quarterly financial reports was effective January 1, 1982, and the other regulations were effective January 1, 1983.

### *Abolishment of LSOs and Creation of CMOs*

During the 1980s and into the early 1990s, the number of informal House Member organizations generally continued to increase, although the number of LSOs remained fairly stable. In 1990

[45] 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.

(101st Congress), for example, there were 30 registered LSOs and 63 informal House Member groups.[46]

In these years, some Members and political organizations questioned the financial integrity of certain LSOs, arguing that the quarterly financial reports they submitted were incomplete, misleading, or habitually late, and that these groups did not face any sanctions for violating House LSO regulations.[47] At a hearing on May 6, 1993, for example, a member of the Committee on House Administration delivered the following critique of 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.[48]

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.[49] 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 preapproval for Members and committees.[50] Also, some congressional scholars raised concerns about LSOs' decentralizing effect on the congressional policymaking process.[51]

In response to concerns about lax filing of LSO financial reports, on August 5, 1993, the Committee on House Administration issued new LSO financial accounting requirements, effective January 1, 1994. The new regulations

- placed financial management of LSOs 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;

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[46] CRS analysis of informal Member organizations.

[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), 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, at http://www.heritage.org/Research/GovernmentReform/BG1013.cfm.

[48] Rep. Pat Robertson, remarks before 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.

[49] Singh, "The Rise and Fall of Legislative Service Organisations [sic]," 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.

[50] 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.

[51] Singh, "The Rise and Fall of Legislative Service Organisations [sic]," pp. 81-83; Randall B. Ripley, *Congress: Process and Policy*, 3rd ed. (New York: W.W. Norton & Company, 1983), pp. 253-260; and Caldwell, "Government by Caucus," pp. 640-646.

- subjected LSO employees to House ethics rules; and
- required LSOs to file annual, year-end statements disclosing cash-on-hand, expenses, and receipts.[52]

The change in House leadership and party control following the 1994 elections ushered in further changes for House Member organizations through the elimination of LSOs and the creation of CMOs. At that time, there were 28 LSOs, and 16 of them had House office space, primarily in the Ford House Office Building. On December 6, 1994, incoming House Speaker-elect Newt Gingrich announced that the House Republican Conference had adopted a resolution to prohibit LSOs. House Members could still form groups for similar purposes, but institutional funding would no longer be available.[53] Some congressional scholars have suggested that the elimination of LSOs, in part, helped Speaker Gingrich centralize control in the House. One scholar, for example, argues

> 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.[54]

Members from the new minority party and Members of established LSOs, including the Democratic Study Group, Congressional Black Caucus, Congressional Hispanic Caucus, and Congressional Caucus for Women's Issues, opposed the dissolution of LSOs. 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 the incoming Speaker, alleging that the prohibition on LSOs was "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."[55]

LSOs were eliminated through the adoption of the House Rules for the 104th Congress on January 4, 1995.[56] 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 LSO accounts after April 3, 1995, were to be returned to the U.S. Treasury to reduce the national debt.[57]

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[52] Singh, "The Rise and Fall of Legislative Service Organisations [sic]," p. 94; and Paul M. Rodriquez, "Panel Seeks Reform of Service Groups Funded by Congress," *The Washington Times*, August 6, 1993, p. A4.

[53] 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.

[54] Singh, "The Rise and Fall of Legislative Service Organisations [sic]," p. 95.

[55] 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.

[56] §222 of H.Res. 6, "Rules of the House," *Congressional Record*, vol. 141, part 1 (January 4, 1995), p. 469.

[57] Singh, "The Rise and Fall of Legislative Service Organisations [sic]," 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.

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.[58]

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 outside groups or individuals to support their operations. However, Members could use their own personal funds for that purpose.[59]

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, nonprofit organization and another that transferred its research responsibilities to the House Republican Conference. Another LSO was absorbed by the House Democratic Caucus.[60]

Some contemporary 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.[61] Instead, the number of CMOs and informal Member groups continued to increase in the late 1990s, suggesting that, despite the limitations imposed on the options available to House Members to support these organizations, they have retained an important role in the congressional policymaking process. During the 2000s and 2010s, the number of informal member organizations continued to grow.

### *Establishment of Eligible Congressional Member Organizations (ECMOs)*

At the start of the 114th Congress, H.Res. 5 included a special order related to "Congressional Member Organization Transparency Reform" and established a new category of *eligible Congressional Member Organizations* (ECMOs) for groups within the House of Representatives. ECMOs could enter into agreement with individual House Members allowing staff from a Member's personal office to "carry out official and representational duties of the Member by assignment to the Organization" and be assigned as shared staff between the Member's personal office and the ECMO. H.Res. 5 also enabled Members to transfer MRA funds to a separate account, administered by the ECMO, to cover salaries and certain expenses for any employee shared by the Member office and ECMO. ECMOs were prohibited from using MRA funds for franked mail, official travel, or leases for facilities or vehicles. The Committee on House

[58] Committee on House Oversight, "1995 House Congressional Member Organization Regulations," Section C, p. 2.

[59] Committee on House Oversight, "1995 House Congressional Member Organization Regulations," Section C, p. 2.

[60] 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).

[61] Irwin N. Gertzog, *Women and Power on Capitol Hill: Reconstructing the Congressional Women's Caucus* (Boulder, CO: Lynne Rienner Publishers, 2004), pp. 77-86; Singh, "The Rise and Fall of Legislative Service Organisations [sic]," pp. 96-97; Hammond, *Congressional Caucuses in National Policy Making*, 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).

Administration was directed to create regulations for ECMOs and ensure that ECMOs had appropriate access to services of the House.[62]

As defined in H.Res. 5, an ECMO had to be a registered CMO; designate a single House Member to be responsible for administration of the organization and its account; assign at least three House employees to work for the organization; have had at least 30 House Members use a portion of their MRA during the preceding Congress to pay for the salary of an employee shared between a Member office and the organization; and certify with the Committee on House Administration and the Chief Administrative Officer of the House (CAO) that it will administer its account in accordance with rules regarding shared employees. Similar ECMO requirements have been included as special orders in the resolutions adopting rules for the House in subsequent Congresses, though for the 116th and 117th Congresses, only a minimum of 15 House Members were required to have used a portion of their MRA during the preceding Congress for the salary of an employee shared with an ECMO.[63]

# Concluding Observations

Informal Member organizations have become an enduring part of modern Congresses, and they have grown in number markedly since the 1970s. House or Senate regulations broadly pertaining to individual Members' activities generally apply to their participation with informal Member organizations, and certain additional House regulations from the Committee on House Administration affect subsets of informal Member organizations known as CMOs and ECMOs. The independence of these groups from more formal institutions within the House and Senate can provide certain advantages, such as facilitating collaboration among Members and providing leadership opportunities outside of one's party or committee assignments. At times, this relative independence has also led to concerns about oversight for informal Member organizations, as well as concerns over the fractionalization of the legislative process and competition with formal leadership and committee functions. Some groups may share legislative or representational interests with the House or Senate at large, certain party leaders, or particular committees; yet Member organizations can also create forums for differing viewpoints, new policy ideas, or more particularized constituent concerns. Informal Member organizations can facilitate deliberation and policy development in Congress by providing opportunities for Members to exchange information and can contribute to public awareness on a variety of topics.

[62] For current Committee on House Administration policies regarding ECMOs, see Committee on House Administration, *Eligible Congressional Member Organizations Handbook*, 118th Congress, at https://cha.house.gov/sites/evo-subsites/republicans-cha.house.gov/files/evo-media-document/2021_117th_eligible_congressional_member_organizations_2_16.pdf.

[63] See H.Res. 5, January 3, 2017 (115th Congress), §3(n); H.Res. 6, January 9, 2019 (116th Congress), §106(p); H.Res. 8, January 4, 2021 (117th Congress), §3(o); and H.Res. 5, January 9, 2023 (118th Congress), §3(w).

# Appendix. Initiating a CMO

This appendix covers some considerations that may be of interest to House Members seeking to form a CMO. Current requirements from the Committee on House Administration are noted, where applicable.

## 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 that 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 that 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 that 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. 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 Guidance and Information

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 https://cha.house.gov/member-services/handbooks/members-congressional-handbook.

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. The registration form is available at https://cha.house.gov/member-services/congressional-member-and-staff-organizations/cmocso-registration-submission#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. Alternatively, 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 that 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 composed 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."[64]

## 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.

[64] Committee on House Administration, "CMO CSO Registration," at https://cha.house.gov/member-services/congressional-member-and-staff-organizations/cmocso-registration-submission#cmo.

## 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 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.

In many instances, 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 has allowed 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.[65] Members interested in registering a CMO as an ECMO can consult with the Committee on House Administration regarding the eligibility requirements and registration process.

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[65] See H.Res. 5, January 9, 2023 (118th Congress), §3(w). For preceding Congresses, provisions regarding ECMOs are found in H.Res. 8, January 4, 2021 (117th Congress), §3(o); H.Res. 6, January 9, 2019 (116th Congress), §103(p); H.Res. 5, January 3, 2017 (115th Congress), §3(n); and H.Res. 5, January 6, 2015 (114th Congress), §3(p).

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