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## **Informal Congressional Groups and Members Organizations: Selected Questions and Responses**

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# Informal Congressional Groups and Members Organizations: Selected Questions and Responses

## Summary

Informal congressional groups and organizations of Members with shared interests in specific issues or philosophies have been part of the American policymaking process since colonial times. Only recently, however, have they emerged in such large numbers and in such diverse ways as to stimulate questions about their purposes, organization, operations, funding, status, and relationship with organizations and interests outside of Congress. Such questions about informal Member groups are addressed in this report, based on examination of the more than 200 such groups that now exist or have existed in the past decade.

Historically, most unofficial Member organizations have been informal networks of Members and staff with no separate personnel, office space, or funding. These groups have operated without any specific, externally imposed rules or any direct congressional oversight. However, the House and bicameral Member groups that were recognized as legislative service organizations (LSOs) from 1979 through 1994, were governed by committee orders promulgated by the Committee on House Administration. Legislative service organizations tended to have a more institutionalized character. Typically, LSOs employed separate staff, occupied space in House office buildings, prepared and distributed legislative analyses and other reports on a regular basis, and, for financial and other operational support, relied on participating Members' use of their official resources within the House. The Senate Committee on Rules and Administration has never adopted any comparable regulations which provide for Senators using their allowances to support informal groups in that body.

A provision prohibiting the establishment or continuation of any legislative service organization ("as defined and authorized in the One Hundred Third Congress") was passed in the House on January 4, 1995, as part of a House Rules package for the 104<sup>th</sup> Congress. As a result, the groups formerly designated as LSOs lost that status and the special administrative arrangements that were accorded them (*e.g.*, financial support, separate House office space and staff, *etc.*). However, former LSOs were allowed to convert their operations into informal networks of Members with no separate personnel, office space, or funding. If they chose to become congressional Member organizations (CMOs), they were required to register as such with what is now the Committee on House Administration. Under regulations adopted by the Committee on House Administration, an informal group whose members want to formally share official resources (*e.g.*, staff) in pursuit of the group's legislative objectives must register as a CMO with the House Administration Committee.

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# Informal Congressional Groups and Members Organizations: Selected Questions and Responses

## Introduction

In 1970, there were probably fewer than a dozen informal congressional groups and Member organizations. Only four of them were organized on a basis similar to current practice.<sup>1</sup> In 1999, at least 185 such groups (also referred to as congressional caucuses and ad hoc coalitions) existed.<sup>2</sup>

A number of questions arise when considering the possible establishment of an informal congressional group and the factors and options relevant to its operation. This report addresses 12 aspects of informal group formation and operation, including ones pertinent to groups registered with the Committee on House Administration as congressional Member organizations (CMOs) and groups formerly designated as legislative service organizations (LSOs).

The information provided is in no way intended to substitute for directives, findings, or any other information available from the congressional committees with primary jurisdiction over the groups. Accordingly, questions regarding the operations, organization, and propriety of these groups should be directed to the following committees: House Committee on House Administration; House Committee on Standards of Official Conduct; Senate Committee on Rules and Administration; and Senate Committee on Ethics.

Political science literature sometimes refers to informal congressional groups and Member organizations as *congressional caucuses*. That term previously was used collectively to refer to all unofficial Member groups in Congress, including groups

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<sup>1</sup>The four groups were: the Democratic Study Group (organized in 1959); the House Wednesday Group (organized in 1965); Members of Congress for Peace Through Law (organized in 1966 and renamed the Arms Control and Foreign Policy Caucus in 1983); and the Conference of Great Lakes Congressmen (organized in 1970). In addition, there were a few state delegations which met to share information and to mobilize support for choice committee assignments. There were also a few social clubs (*e.g.*, the Acorns and the Chowder and Marching Society), which by virtue of their purely social nature, are not part of this analysis.

<sup>2</sup>CRS Report RL30288, *Informal Congressional Groups and Member Organizations, 106th Congress: An Informational Directory*, by Sula P. Richardson.

formerly designated as legislative service organizations.<sup>3</sup> In order to emphasize the distinction between official party caucuses and unofficial groups and to avoid confusion given shifting meanings of “caucus,” the term “congressional caucus” is not used beyond this point in this report.

## **1. What are the differences among *informal groups*, *congressional Member organizations*, and *legislative service organizations*?**

*Informal groups* have been defined as “voluntary associations of Members of Congress, without [direct] recognition in chamber or party rules or line item appropriations which seek to have a role in the policy process”.<sup>4</sup> This definition distinguishes these unofficial groups from the official party caucuses of Members (called *caucus* by House Democrats and *conference* by Senate Democrats and by Republicans in both Houses)<sup>5</sup> and from Member groups of a purely social nature (*e.g.*, the Acorns and the Chowder and Marching Society). The unofficial status and

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<sup>3</sup>Prior to the 104th Congress (1995-1997), the terms *congressional Member organizations*, *informal groups*, and *congressional caucuses* were used almost interchangeably. Initially, the term *informal groups* was the most commonly used. However, by the early 1980s, the institutionalized nature of some of the groups and the regulation of those recognized as legislative service organizations (LSOs) by the House Administration Committee apparently led some political observers to prefer the term *congressional caucuses*. By the late 1980s, the term *congressional Member organizations* (CMOs) was being used more frequently. It helped to distinguish unofficial groups from official party caucuses of Members (also called caucus by House Democrats and conference by Senate Democrats and by Republicans in both Houses), as well as from the alliances of citizens (only) and citizens and Members that may also be called caucuses. Thus, prior to 1995, the term *CMO* referred to all unofficial Member groups, including those designated as legislative service organizations. Indeed, some political observers used an even broader definition of the term *CMO*, such that it included the official party groups as well. (See for example: Congressional Information Service’s *Congressional Member Organizations & Caucuses, 1993: Publications and Policy Materials*, p. 3). However, pursuant to rules promulgated by the Committee on House Oversight (now named Committee on House Administration) on February 8, 1995, the term *congressional Member organization*, as expressly defined, referred solely to groups registered with the Committee. Regulations which became effective August 1, 1999, supersede all previous *CMO* regulations. According to staff at the Committee on House Administration, the concept of recognizing CMOs as informal groups, which are registered with the Committee, remains. Consequently, for the purposes of this report, the term *CMO* is used solely to refer to those groups. Groups not registered as CMOs are referred to as *informal groups*; and the terms *Member organizations*, *Member groups*, or *Member alliances* may refer to CMOs and informal groups separately or combined, depending upon context.

<sup>4</sup>Arthur Stevens, Susan Hammond, and Daniel P. Mulhollan, *Changes in Decision-Making Networks in the Congressional System: An Examination of the Role of Informal Groups*. (A paper prepared for delivery at the Annual Meeting of the Western Political Science Association, Denver Colorado, March 26-28, 1981). p. 3.

<sup>5</sup>The official party caucuses—the Senate Republican Conference, the Senate Democratic Conference, the House Republican Conference, and the House Democratic Caucus—have direct recognition in chamber and party rules and are funded directly from congressional appropriations.

informal nature of some groups make it virtually impossible to always know their exact number, but at least 195 were operating in February 2001.<sup>6</sup> No specific limit has ever been set on the number of these groups that may exist.

The term *congressional Member organization (CMO)* refers to a group of Members who join together in pursuit of common legislative objectives, who register with the Committee on House Administration, and who formally share official resources (in particular, sharing staff or coordinating their expenses), to jointly carry out activities. Any group that wishes to formally share official resources *must* register with the House Administration Committee as a CMO. Groups that view CMO status as an enhancement of their legitimacy or as beneficial in other ways (*e.g.*, openness or publicity), may also register as CMOs, even though no formal sharing of official resources occurs or is envisioned by group members.

In regulations adopted by the Committee on House Administration on June 22, 1999, effective August 1, 1999, a CMO:

- has no separate corporate or legal identity;
- is not an employing authority;
- may not be assigned separate office space;
- may not use the frank;
- may not have independent web pages; and
- may not accept goods, funds or services from private organizations or individuals to support the CMO.<sup>7</sup>

Further, the regulations require that, upon registration, at the beginning of each Congress, and as changes in information warrant, each CMO provide to the House Administration Committee:

- the CMO's name;
- statement of purpose;
- names and titles of officers; and
- the name(s) of staff designated to work on the CMO's issues.

Thus, like the groups formerly recognized as LSOs, CMOs are governed by regulations developed expressly for them, and they must register with the House Administration Committee. However, Members may not contribute funds from their

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<sup>6</sup>The total of 195 groups was calculated by the author using Leadership Directories, Inc., *Congressional Yellow Book*, winter 2001, pp. 827-830 and a listing of Congressional Member Organizations obtained via the Internet from the House Administration Committee, February 20, 2001 [[http://www.house.gov/cha/organizations/CMOs/107thCMO/body\\_107thcmo.html](http://www.house.gov/cha/organizations/CMOs/107thCMO/body_107thcmo.html)], visited Mar. 7, 2001.

<sup>7</sup>"Congressional Member Organizations," in *Members' Congressional Handbook—1999*, p. 45. (Hereafter cited as *CMO Regulations, 1999*.)

official allowances (as they could to LSOs) to support CMO activities. Members are free to use their own personal funds to support CMO activities.<sup>8</sup>

The term *legislative service organization (LSO)*<sup>9</sup> refers to a now defunct set of unofficial Member organizations which, from 1979 through 1994, were recognized and regulated by the Committee on House Administration. The Committee recognized as LSOs those House and bicameral groups that met and maintained the organizational, financial, and operational requirements prescribed by the Committee in regulations it adopted in 1979, 1981, and 1993. The Senate Committee on Rules and Administration has never accorded any comparable recognition or administrative arrangement to Senate groups.

In 1994, 28 of the 140 Member organizations confirmed as operational were certified as LSOs. Although the Committee on House Administration never placed a specific limit on the number of LSOs that could exist, the Committee could (and sometimes did) decline to accept or approve the applications of groups seeking recognition as LSOs. Typically, LSOs had the advantages of employing staff or having clerk-hire staff assigned to them from Members' administrative funds; occupying space in House office buildings; preparing and distributing legislative analyses and other reports on a regular basis; and, for financial and other support, relying on Members' payment of funds from their official allowances (dues or expenses paid from House resources) to sustain their operations.

On January 4, 1995, the House agreed to a provision which prohibited "the establishment or continuation of any legislative service organization as defined and authorized in the One Hundred Third Congress."<sup>10</sup> The House directed what is 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."<sup>11</sup> Former LSOs, however, were allowed to convert their operations into informal groups with no separate staff, office space, or official funding. They could also choose to become CMOs by registering with what is now the House Administration Committee, and meeting and maintaining the requirements for CMOs set out in the Committee's regulations governing CMOs. Since then, LSO status has not existed, and the special administrative arrangements accorded groups recognized as LSOs are no longer available on that basis.

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<sup>8</sup>"Funding and Resources," *CMO Regulations*, 1999.

<sup>9</sup>For a more detailed explanation of the definition, history, and regulation of LSOs, see: U.S. Congress, House Committee on House Administration, Ad Hoc Subcommittee on Legislative Service Organizations, *Legislative Service Organizations*, report, 97<sup>th</sup> Cong., 2<sup>nd</sup> sess., (Washington: GPO, 1982). pp. 1-25.

<sup>10</sup>Rules of the House (H.Res. 6), "Abolition of Legislative Service Organizations," Congressional Record, vol. 141, Jan. 4, 1995. p. 469.

<sup>11</sup>*Ibid.*

## 2. What functions do informal groups and Member organizations perform?

An informal group or congressional Member organization may perform a variety of functions in the policymaking process. These functions may be categorized as: (1) informational (acquiring, compiling, coordinating, and distributing information); (2) legislative (seeking congressional approval or promoting legislative proposals, oversight, or appropriation of funds); and (3) casework and communications with constituents (where the Member acts on behalf of a constituency and seeks to promote its interests). These functions may overlap, and a group may be oriented toward any one or some combination of them. The degree to which a group performs any of these functions also varies.

**Informational.** A common purpose of informal groups and Member organizations is to collect and disseminate information, both substantive and political. Some groups (*e.g.*, the former Environmental and Energy Study Conference) have emphasized this role more than others. Some groups (*e.g.*, the House Renewable Energy and Efficiency Caucus and the House Trails Caucus) have characterized themselves as informational and preclude themselves from taking positions on legislation. Others perform both legislative and information functions. For example, the Congressional Caucus on Women's Issues and the Congressional Automotive Caucus serve as resource centers and advocacy groups for legislation.

**Legislative.** Several groups focus their activities on legislative proposals, committee oversight, and appropriation of funds. They may concentrate on devising legislative proposals, monitor and evaluate Federal programs and agencies related to specific issues of their choosing, prepare reports and disseminate information on issues of interest to them, or conduct any combination of these functions.

A number of groups also monitor executive branch operations. Some seek to influence the Administration and government agencies to implement specific policy solutions. (For example, in 1981 the Senate Steel Caucus recommended that the Commerce Department initiate trade complaints against European steel producers instead of waiting for the domestic industry to do so. The Commerce Department adopted the Caucus' recommendation, and on November 5, 1981, made the historic announcement that it would initiate such complaints.<sup>12</sup>) Similarly, other groups (*e.g.*, the Congressional Soybean Caucus, the House Beef Caucus, and the Senate Jewelry Task Force) monitor the activities of government agencies and coordinate their efforts with those agencies to protect domestic markets against foreign imports and unfair trade practices, or to achieve other policy goals.

In 1990, the Congressional Caucus on Women's Issues was credited with having influenced the National Institutes of Health (NIH) to implement two important changes: (1) creation of a federal Office for Research on Women's Health; and (2)

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<sup>12</sup>Senator Jennings Randolph, "Senate Steel Caucus Productive Group," remarks in the Senate, *Congressional Record*, vol. 128, Oct. 1, 1982. p. 27134.



revision of NIH's research guidelines to ensure that future studies would devote more funds and effort to diseases that women contract.<sup>13</sup>

**Casework and Communications with Constituents.** Some groups (*e.g.*, the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Sportsmen's Caucus, and the Federal Government Service Caucus) provide representation for specific elements in national as well as Members' constituencies. Several groups prepare information and speech material which Members have found useful. Others assist Members in developing and conducting special events, seminars, and conferences on issues. Sometimes these events are held in the Members' home districts, and may enhance Member-constituent relations by increasing Members' visibility and identification with particular issues.

### 3. What are the advantages and disadvantages of forming an informal congressional group or Member organization ?

**Advantages.** Informal Member alliances (including CMOs) may be seen as advantageous because they can:

- be readily established as circumstances and issues warrant without enacting legislation or changing House, Senate, or party rules;
- expand Members' opportunities to specialize on issues because neither the number of groups that can exist nor the number of group memberships that a Member can have are limited;
- open or limit membership as they deem necessary to accomplish their goals;
- 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;
- serve as readily identifiable entities and provide a means of access to Congress for outside groups and individuals;
- conduct briefings and use other means of information gathering to supply information to Congress and interested segments of the public; and
- enhance Members' relations and standing with particular constituencies.

**Disadvantages.** Some disadvantages ascribed to informal congressional groups and Member organizations arise from the perception that they:

- compete with the formal leadership and committee structure and functions;
- undermine or even impede the legislative process by further fragmenting decisionmaking;
- have become so numerous that their significance has been diminished (*i.e.*, every cause or issue has a group); and

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<sup>13</sup>Kent Jenkins, Jr., "Caucus Proposes Women's Medical Office," *Washington Post*, July 27, 1990, p. C3. See also: Rochelle Jones, "Where's the Arts Caucus?" *Museum and Arts Washington*, vol. 6, Nov.-Dec., 1990, pp. 72-73, 126-127.

- may facilitate certain special interests in attaining undue attention in the legislative process.

In addition, the proliferation of groups may:

- raise questions of fair and equal representation of interests not represented by a group;
- create the perception of conflict of interest for Members who may have formal legislative responsibilities within the same subject areas of the groups) *i.e.*, appearing to be an advocate and adjudicator of an issue at the same time); and
- have a negative impact on public opinion of Congress by causing it to be viewed as overly influenced by special interests.

#### **4. What are the rules governing informal groups and congressional Member organizations?**

**House.** In the House, members of CMOs and other informal groups must conduct their activities in accordance with other provisions in law, the *House Ethics Manual*, the *Congressional Handbook*, and the *Rules of the House* (including House Rule 43—the *House Code of Official Conduct*). In general, the assumption has been that unless otherwise specified, the same regulations applicable to House Members as individuals also apply to their informal groups. Members are advised to contact the Committee on House Administration, the Franking Commission, and the Office of Advice and Education of the Committee on Standards of Official Conduct for information and guidance.

All groups registered with the Committee on House Administration as congressional Member organizations (CMOs) are governed under regulations the Committee adopted on June 22, 1999. (Under House Rules, the Committee has authority to promulgate such regulations without approval by the full House.) The regulations, which became effective August 1, 1999, provide that CMOs have no separate corporate or legal identity. They may not have their own separate offices, employ staff, or accept goods, funds, or services from outside groups or individuals to support their operations. Furthermore, Members may not: (1) make contributions to CMOs from their official expenses allowances (*i.e.*, Members' representational allowances); or (2) lend their frank to any CMO.<sup>14</sup> A *CMO member*, however, is permitted to use staff and other resources under his or her control to assist the CMO with carrying out its legislative goals and objectives. Two or more Members may each employ a shared staffer to perform research and other duties in support of a CMO (*i.e.*, shared staff).

All groups using a shared staffing arrangement are required to register as CMOs with the Committee on House Administration. Registration is optional for groups that do not have shared staff, but some groups may choose to register because they see it

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<sup>14</sup>For further discussion on informal groups and the franking privilege, see question 9, p. 14

as an enhancement of the group's stature, or perhaps, as an indication of the group's openness. Each CMO is required to provide the following information to the Committee at the time of registration and as changes in information warrant: its name; statement of purpose; names and titles of officers; and the name(s) of staff designated to work on the CMO's issues.<sup>15</sup> A CMO's activities must be conducted in accordance with the regulations of the Committee on House Administration.

**Senate.** Historically, the Senate groups have been informal networks of Members and staff contacts, drawing upon resources available to Senators for materials and services, without any additional funding or staff. Because of their traditional, non-official status and informal nature, specific regulation of such groups has not been deemed necessary. The assumption has been that these informal groups of Members are collectively subject to the same regulations applicable to Senators as individuals (spelled out in the *Senate Ethics Manual*, the *Congressional Handbook*, *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.

**Internal Rules.** A number of groups have formulated certain decisions, practices, and procedures into bylaws or rules which prescribe their structure and operations, but these rules have no force outside the group.

Typically, a group's rules specify any combination of the following elements: the purpose(s) of the group; whether or not the group will advocate specific positions on issues; eligibility criteria for membership; structure of the group (*e.g.*, officers, executive committee, task forces); manner of selecting officers; responsibilities of officers; manner of scheduling meetings; voting requirements (*e.g.*, situations in which the entire membership, the executive committee, or certain members vote, as well as the vote percentage required); and the process for amending the bylaws.

## **5. What is the procedure for setting up an informal group or a CMO?**

There is no standardized procedure for establishing an informal group or a congressional Member organization (CMO). However, a few basic steps are often involved when such a group is being established.

*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 judgement and interest.

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<sup>15</sup>"Registration," *CMO Regulations*, 1999.

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 political 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.* Informal group membership is voluntary. Eligibility criteria for membership are determined by the group itself. Membership may be open to anyone who is willing to join, or it may be limited to invitees only. Membership may be open to:

- one party only or both parties;
- one House only or both Houses;
- regions which share specific economic concerns;
- districts or States which share a common industry;
- 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.<sup>16</sup> Similarly, the membership lists of the committees and subcommittees with primary jurisdiction over the relevant issue(s) can be used to identify prospective group 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.

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<sup>16</sup>Under current House Rules, the jurisdiction of these two now defunct committees rests primarily with the Committee on Transportation and Infrastructure. (Military aspects of merchant marine and fisheries issues are currently under the jurisdiction of the Committee on Armed Services.)

*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—1999* on pages 45 and 46. House Members will undoubtedly want to thoroughly review these regulations. (Additional copies may be obtained from the House Administration Committee or from the Congressional Research Service.) Furthermore, 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 Office of Advice and Education, and any other authorities, as appropriate, for guidance.

Senators may seek guidance from the Committee on Rules and Administration and the Senate Ethics Committee, which have primary jurisdiction over Senate informal groups. To date, no specific regulations governing the operations of unofficial Senate Member organizations have been promulgated by the Rules and Administration Committee. The Committee has never officially recognized informal groups, conferred any special designation upon them, or allowed them any special administrative arrangements.

*Notify or announce the group's formation.* There are instances where formation of an informal group has been announced on the House and Senate 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. For example, in 1988, when announcing the formation of an air and space group, a Senator stated that:

This organization cannot substitute for the Senate's formal committee process, nor is it meant to. Instead, it will facilitate the interaction of Senators and their staffs, aerospace contractors, and aviation and space-oriented public interest groups in an effort to become more informed and focused in regard to these very important issues.<sup>17</sup>

*Register with the Committee on House Administration (Where Appropriate).* Under 1999 CMO Regulations, House groups whose members wish to formally share official resources (*e.g.*, staff) *must* register with the Committee on House Administration. The registration process involves providing the following information to the Committee at the time of registration at the beginning of each Congress, and as changes in information warrant: (1) the name of the group (*i.e.* CMO); (2) a statement of the purpose of the CMO; (3) the officers the CMO; and (4) the name(s) of designated staff who will work on CMO issues.

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<sup>17</sup>Senator Richard Shelby, "Senate Air and Space Caucus," remarks in the Senate, *Congressional Record*, vol. 134, Feb. 4, 1988, p. 1080.

## 6. How are informal groups and CMOs structured?

Each informal group (whether a CMO or not) determines its own structure. A few groups are so informally organized that they have no particular leaders. However, most groups have at least one identifiable leader who is designated (either formally or informally) as the group's Chairman, Coordinator, Sponsor, or President. Beyond that, many organizations (including most of those in the Senate) have little or no formal 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 which includes any combination of the following elements: officers (*e.g.*, chairman, co-chairman, vice chairmen, secretary); an executive committee (alternatively called an executive board, steering committee, or advisory panel); and subunits (usually called task forces or working groups).

**Officers.** The chairman or coordinator usually is a Member who is highly interested in the issue(s) around which the group is organized. 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 of the bipartisan or bicameral groups have had more than one coordinator or chairman (*i.e.*, co-chairmen) to emphasize the bipartisan and (or) bicameral aspect of their structure. For example, a group might have two coordinators, one from each party. Or, the group might have a chairman, who may be a member of either party in either House, as well as a Senate co-chairman and a House co-chairman, while prescribing that all three officers cannot be members of the same party.

Several groups have a chairman, vice chairman, and secretary. A few organizations 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) who organize as a socio-political force in each House, usually have a structure that includes a president, vice president, and secretary.

Most of the bicameral groups are also bipartisan, and their structure usually reflects these characteristics. Thus, many bicameral organizations 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 [a] CMO, but at least one of the officers of the CMO must be a Member of House.”<sup>18</sup>

**Executive Committee/Steering Committee/Advisory Board.** For most groups, the officers and/or executive committee administer the group’s activities and set its agenda. Often, the executive committee also serves as the group’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 groups have separated the administrative and advisory roles of the executive committee by creating an advisory committee, apart from the executive committee.

**Task Forces.** Sometimes informal groups and Member organizations have established their own task forces or subdivision structures. It is through these subunits that the groups have accomplished division of labor and specialization on issues.

## 7. How are the chairman and other officers selected?

Like other internal operational matters, the manner by which the chairman (or chairmen) of a group is selected is left to the discretion of each group. A group may use an informal method of selection, whereby members volunteer to serve as chairman. If more than one member expresses such interest, a co-chairmanship 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.

Invariably, the initial chairman of a group—whether House, Senate, or bicameral—is its founder. Often, he or she continues to serve until no longer a Member of Congress or until he or she relinquishes the position. However, in some instances, tenure as chairman of a group is limited, either by custom or by rule (in the group’s bylaws).

**Senate.** In the Senate, the incidence of rotation and turnover among chairmen of these groups has tended to be relatively low. In a few instances, there is no designated chair for the group; leadership responsibilities rotate and are conducted through the office of a Member who agrees to coordinate the group’s business.

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<sup>18</sup>“Membership,” *CMO Regulations*, 1999.

Usually, when a Senate group has selected a new chairman, the basis for selection has been the Member's interest in the group and willingness to assume the position. In most instances, formal elections have not been held. Sometimes, when more than one Member has been interested in serving, a structure was created to accommodate co-chairmen, or scheduled changes in chairmanship were worked out among the interested Members. Still another method used by one group was to send a letter to the group's membership asking if there were any objection to the appointment of a volunteering Member as chair. When there was none, the announcement of the new chair was made. Also, the outgoing chairman may personally select a replacement, recruiting another Member who agrees to assume the position, more or less by consensus.

**House.** Formal and informal processes for determining group officers have been used by House groups. In some instances, elections have been held after candidates for the various positions announced they were standing for election; a formal election meeting at the beginning of each Congress was held; and members voted by secret ballot for their group leaders (*i.e.*, officers and executive committee members).

Under a less formal system used by some groups, members volunteer to serve as officers and executive committee members, or express their desire to serve to a former chairman, executive members, *etc.* Insofar as the executive committee is concerned, if more than one Member from the same State or region desired to serve, they usually worked out an agreement as to who would stand for election. Sometimes, if no Member from a particular State or region expressed interest, recruitment was made by the chairman or outgoing executive Member from that State. These members then usually announced that they were candidates and subsequently were elected. Rarely were their elections contested.

More often than not, House groups choose some variation of the less formal means of selecting officers.

**Bicameral.** One bicameral group used a more formalized procedure for selecting its chairman. The chairman appointed an equal number of Democrats and Republicans (usually one or two of each) to serve as the Nominations and Elections Committee. That committee solicited and received nominations for appointment to the group's Executive Committee and submitted them to the members for their approval. The Executive Committee then elected the group's officers, including the chairman.

The chairman of another bicameral group was elected by the group's executive committee. If a Member wished to serve as chairman, he or she may have solicited support of executive committee members, who would nominate him or her. The executive committee could be elected by the membership at large as well as by specific members. The regional executive committee members of the group were elected by members of their region, while the at large members were elected by the general membership.



## 8. How are informal groups and CMOs staffed?

Currently, neither House nor Senate informal groups and Member organizations can employ staff; consequently, these groups have no staff of their own. In the Senate, where no formal recognition has ever been given to non-official Member organizations, there are a few instances where an informal pooling of staff occurs, but the pooling is based upon the individual Senators and not the group. Similarly, House Members may also informally coordinate staff activities to pursue goals as an informal group. Here again, it is the individual Members and not the group who are the employing entities. Thus, in general, in both the House and Senate, informal group business is handled by staff of an individual Member (often the group's chairman, sponsor, or coordinator) as part of their regular duties. Frequently, the staffer is a legislative assistant who works in an area related to the group's issue(s).

In the House, a group must register with the Committee on House Administration as a CMO if its Members want to formally share and pay for staff to work on group business. Current CMO regulations expressly provide that "a CMO is not an employing authority."<sup>19</sup> Accordingly, it is not the CMO but the House Members who are the employers.

## 9. Do informal groups have the franking privilege? Can a Member lend his or her frank to an informal group or CMO?

The short answer to both these questions is no. In the House, the 1999 CMO regulations expressly state that CMOs *do not* have the franking privilege and Members are prohibited from lending their frank to CMOs.<sup>20</sup> This regulation is consistent with the advisory opinion issued by the Commission on Congressional Mailing Standards (also known as the Franking Commission) in 1982. The Commission held that "... Section 3215 of Title 39, United States Code, does not permit a Member to allow a Legislative Service Organization [LSO] to use his or her frank ... a Member cannot lend his frank to informal committees or groups composed only of Members of Congress [*i.e.*, CMOs], but may lend it only to official committees created by Congress.... Absent an amendment to the franking law, the Commission cannot advise you that it would be permissible to allow an LSO [*i.e.*, legislative service organization] to use your frank."<sup>21</sup> No such amendment to the franking law has been adopted, and the Commission has made no change in its finding since that time.<sup>22</sup> (The Commission's ruling, which specifically referred to LSOs, is considered to apply to informal groups and congressional Member organizations.)

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<sup>19</sup>"Funding and Resources," *CMO Regulations*, 1999.

<sup>20</sup>"Communications," *CMO Regulations*, 1999.

<sup>21</sup>Morris K. Udall, Chairman, and Edward J. Derwinski, Ranking Minority Member, Commission on Congressional Mailing Standards, letter to the Honorable William R. Ratchford, Committee on House Administration, Ad Hoc Subcommittee on Legislative Service Organizations, June 8, 1982. In: *LSO Subcommittee Report*, 1982 p. 135-136.

<sup>22</sup>Jack Dail, Commission on Congressional Mailing Standards, telephone conversation with the author, August 26, 1999.

The 1999 CMO regulations do describe the way Members can communicate information about a CMO's activities. According to the regulations, "Member[s] may use inside mail to communicate information related to a CMO [and they] may refer to their membership in a CMO on their official stationery. Official funds [however], may not be used to print or pay for stationery for the CMO."<sup>23</sup> (See question 11 for information on CMO Web sites.)

In the Senate, where no formal recognition is given to Member organizations, no authority appears to exist in law or rule upon which to conclude that informal Member groups have the franking privilege.

## **10. Can official funds be used to pay for letterhead for a CMO?**

The 1999 House CMO regulations prohibit CMOs from using official funds "to print or pay for stationery for the CMO."<sup>24</sup> However, a Member may refer to his or her CMO membership on his or her official stationery.<sup>25</sup>

## **11. Can CMOs have their own Web site, separate and apart from any of their Members?**

Under Committee on House Administration regulations governing CMOs, "Members may devote a section of their official Web site to CMO issues, but CMOs may not have independent Web pages [*i.e.*, Web sites]."<sup>26</sup>

## **12. What is the nature of the relationships informal groups and Member organizations have with outside organizations?**

The types of relationships that an informal group or congressional Member organization may have with outside organizations are varied. They depend to a large part on the scope of the congressional group's goals and operations as well as how they may be accomplished under the laws, regulations, and practices regarding the conduct of Members and congressional groups.

In recent years, issues of particular concern (inside and outside the Congress) have included: the extent to which informal groups are allowed to have relationships with outside organizations; the nature and extent of participation by Members on the governing bodies of outside organizations; and the ability of Members to raise funds for non-profit, tax-exempt outside organizations. The nature and extent of the relationships continues to be a complex and evolving issue. Members who choose to

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<sup>23</sup>"Communications," *CMO Regulations*, 1999.

<sup>24</sup>"Communications," *CMO Regulations*, 1999.

<sup>25</sup>*Ibid.*

<sup>26</sup>*Ibid.*

be involved with outside organizations should be aware of a plethora of rules and regulations that apply.

Under the current Code of Official Conduct, House Members are permitted to serve on the boards of certain outside groups, including non-profit foundations, so long as they do not serve for compensation. Pursuant to guidelines issued on April 4, 1995, by the House Committee on Standards of Official Conduct, Members are prohibited from raising money for any organization that is “established or controlled by Members of Congress.”<sup>27</sup> The only exceptions are those expressly permitted by the Committee on Standards of Official Conduct: campaigns, political action committees (PACs), and organizations whose principal activities are unrelated to a Member’s official duties. Questions as to whether an organization’s activities are related to a Member’s official duties should be directed to the Committee’s Office of Advice and Education; specific examples are provided in the Committee’s April 4, 1995 guidelines.

The regulations promulgated on congressional groups have included provisions aimed maintaining a separation between the congressional groups and those outside non-profit foundations and institutes that provide research and policy development on related issues. Specific questions may be referred to the Committee on House Administration, the House Committee on Standards of Official Conduct, the Senate Committee on Rules and Administration, or the Senate Committee on Ethics, as appropriate.

Historically, some groups have served as effective coordinative links between outside organizations and allies in Congress. Congressional groups have sometimes responded to questions from their members by providing information from outside groups or by referring their members to outside experts. The outside groups, in turn, have consulted informal groups on policy options and political strategies in Congress.

Sometimes, an outside group has requested that a particular Member or Members establish a congressional group. For example, the Ad Hoc Congressional Committee for Irish Affairs was created (September 28, 1977) following the request of several major Irish-American organizations, including the Ancient Order of Hibernians and the Irish National Caucus.<sup>28</sup> The Senate Beef Caucus was formed after some coordinating initiative by the National Cattlemen’s Association.<sup>29</sup>

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<sup>27</sup>U.S. Congress, House Committee on Standards of Official Conduct. *Memorandum for All Members, Officers and Employees. Revised Solicitation Guidelines*. April 4, 1995. p 1. Or see: U.S. House of Representatives Committee on Standards of Official Conduct Advisory Memoranda, “Revised Solicitation Guidelines—April 4, 1995,” {[http://www.house.gov/ethics\\_memos.html](http://www.house.gov/ethics_memos.html)}, visited August 26, 1999.

<sup>28</sup>Rep. Raymond J. McGrath, “Mario Biaggi, Lifetime Member of the AOH, “ extensions of remarks, *Congressional Record*, vol. 130. Sept. 20, 1984, p. 16383.

<sup>29</sup>Ward Sinclair, “On Hill, Lamb and Steer Have Unequal Footing: A Case of Contradictory Trade Stances.” *Washington Post*, June 12, 1987. p. A12.

A number of informal congressional groups have played a role in the establishment of institutes or foundations to conduct long-term research and policy analyses (*e.g.*, the Congressional Black Caucus Foundation, Congressional Hispanic Institute, and the Congressional Hunger Center). These foundations and institutes developed in large part because, unlike congressional groups, they can accept private funding.<sup>30</sup> Although it is not unlawful or uncommon for Members of Congress to be involved in the establishment of such groups, some aspects of the relationship Members have with the foundations and institutes have been the subject of some criticism.<sup>31</sup> Some have been concerned that contact between Member organizations and outside groups may lead to appearances or allegations of inappropriate or undue influence from special interests. On the other hand, it has been argued that appropriate, ongoing contact and exchange of information between congressional groups and outside groups can help Members to support beneficial public policy; it may also promote favorable constituent relations. Consequently, the level and scope of a congressional group's involvement (if any) with outside organizations should be carefully considered.

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<sup>30</sup>Unlike the informal groups, the institutes' status as 501(c)(3) nonprofit foundations enables them to accept private, tax deductible contributions. Current CMO regulations expressly provide that "neither CMOs nor individual members may accept goods, funds, or services from private organizations or individuals to support the CMO."

<sup>31</sup>See for example: Alice A. Love, "LSO Foundations Take Financial Hit," *Roll Call*, vol. 40, Apr. 27, 1995, pp. 1, 17; Richard E. Cohen, "Who's Minding the Off-Campus Cousins?" *National Journal*, vol. 25, Dec. 18, 1993, p. 3012; Mary Jacoby, "Energy Institute Illustrates Tricky Link Between LSOs and Their Foundations," *Roll Call*, vol. 39, July 8, 1993, pp. 1, 8; Carol Matlock, "Off-Campus Cousins," *National Journal*, vol. 23, Dec. 7, 1991, pp. 2959-2962.