

**THE
EXECUTIVE AGENCY
TRAINING PROGRAM**

**CONGRESS AND
LEGISLATIVE AFFAIRS**



Congress and the National Security Process

The Executive and Legislative Branches both have national security roles; however, the division of responsibilities and powers is not always well-defined. Roles vary according to the scenario, the type of policy being developed, the personalities involved, and the degree of policy consensus.

The Executive Branch tends to lead on:

- Near-term responses to foreign events;
- Day-to-day policy direction through the statements of the President and senior officials;
- Implementation (legislation sets framework, but agencies interpret law in policies & programs).

Congress plays a significant role in national security policy through:

- Power of the purse: Congress is responsible for authorizing and appropriations legislation to create, modify, cut and fund agency programs. Thus, Congress is particularly powerful when national security policies and programs require authorizing legislation or appropriations;
- Passing legislation that places legal or funding limitations on Executive Branch action;
- Executive Branch oversight:
 - Hearings (power of subpoena);
 - Letters from members of congress (MoCs) to agencies requesting information or documents;
 - “Reporting requirements” that force agencies to report on an issue, policy or program;
 - Committee investigations;
 - Government Accountability Office (GAO) investigations and audits;
 - Regular informal meetings between MoCs, staff and Executive Branch officials.
- International negotiations - President leads but generally confers with Congress. Senate must approve final treaties and conventions and may attach reservations or other conditions when doing so;
- Passing simple or concurrent resolutions (not legally-binding) stating the sense of Congress;
- Foreign travel (CODELs) – MoCs are not constrained by Executive Branch travel rules or message;
- Confirmation of Presidential appointees and diplomatic nominations (Senate).



Congressional Committees (National Security-Related)

The committees below play a large national security role, though some programs & policy issues fall under other committees (ex. 13 committees claim jurisdiction over aspects of homeland security). Also, some issues fall under the jurisdiction of multiple committees (ex. sanctions, trade).

Senate and House Armed Services Committees (SASC/HASC) have oversight, authorization and legislative jurisdiction over the Department of Defense and the armed services, and all defense and military activities and policy issues. In addition, the committees have jurisdiction over the national security aspects of nuclear energy (Department of Energy).

Senate Foreign Relations and House Foreign Affairs Committees (SFRC/HFAC) have oversight, authorization and legislative jurisdiction over the foreign policy agencies – including State Dept., USAID and the Millennium Challenge Corporation – and the foreign policy activities of other federal agencies. The committees, thus, cover issues ranging from regional and bilateral relations to foreign assistance to international economic and (some) trade policy to transnational issues (such as terrorism, nonproliferation, & human rights). SFRC has jurisdiction over treaties.

Senate Homeland Security and Governmental Affairs and House Homeland Security Committees (HSGAC/HCHS) have oversight and legislative jurisdiction over the Department of Homeland Security and its homeland security activities, including emergency preparedness, response and recovery, counter-terrorism, critical infrastructure, cybersecurity, and interoperable emergency communications within the Federal government and with state and local authorities.

Senate Select Intelligence and House Permanent Select Intelligence Committees (SSCI/HPSCI) have oversight, authorization & legislative jurisdiction over the IC and intelligence activities (though the committees that oversee federal agencies with intelligence components also have some jurisdiction). The intelligence committees conduct annual reviews of the intelligence budget & are regularly briefed on intelligence activities (including covert operations). Membership on the committees is temporary (6-8 year term limits) and rotates among members of congress.



Appropriations Committees (National Security-Related)

Senate and House Appropriations Committees have jurisdiction over all discretionary spending (appropriations) legislation and for oversight of budget execution. As they hold the power of the purse, they are among the most powerful committees in Congress and membership is highly coveted (House Appropriations Committee members do not typically sit on any other committee). The appropriations subcommittees are based around functional areas of government and are the real power-brokers – they can make or break an agency’s appropriations request.

The primary subcommittees that cover national security agencies and programs are:

Defense Subcommittees oversees funding for the Department of Defense and the military (except military construction) and for most of the Intelligence Community (except IC components that are part of other agencies). Defense spending makes up a plurality of overall discretionary spending, making the defense subcommittees quite powerful.

Homeland Security Subcommittees have jurisdiction over funding for the Department of Homeland Security and its component agencies and for federal, state and local disaster preparedness, response and relief efforts.

Military Construction, Veterans Affairs, and Related Agencies Subcommittees are responsible for funding the Department of Veterans Affairs; all Department of Defense and military-related construction, including DoD and military facilities, NATO infrastructure & military family housing; and activities related to base closures & realignments (BRAC).

State, Foreign Operations, and Related Programs Subcommittees oversees funding for the State Department, Foreign Service & embassies and for the U.S. foreign assistance agencies, including USAID, MCC and the Peace Corps. Their jurisdiction also covers the foreign assistance activities of the Defense Department (security assistance) and the Treasury Department (debt forgiveness, technical assistance & multilateral development bank); contributions to international organizations; and peacekeeping operations.



Personal Office Staff Guide

The structure of personal offices varies greatly. House offices have 9-10 staff in DC and a similar number in the district office. Senate offices house 15-30 staff in DC, depending on state size and member seniority. In the House, staff often wear two hats (ex. staff assistant & scheduler) or hold multiple (not necessarily related) policy portfolios. In the Senate, policy staff generally hold fewer portfolios & there will be multiple staff holding staff assistant & legislative correspondent positions.

These positions are common in House & Senate offices, though specific responsibilities may vary:

Chief of Staff (CoS): Oversees the general operation of the office and serves as the MoC's closest advisor, helping decide on votes and keeping the MoC on task. The CoS often has significant "out of the office" political responsibilities, including fundraising and campaign strategy.

Legislative Director (LD): Runs daily legislative duties of the office, keeping track of floor proceedings; advising MoC on votes; overseeing legislative staff; serving as liaison to congressional committees and important constituent groups; and usually handling an issue or two as well.

Legislative Assistant (LA): Handles one or multiple policy portfolio – briefs MoC on issues; writes speeches, memos and talking points; tracks and writes legislation; handles relevant committee work; offers vote recommendations; and leads outreach to relevant constituencies

Legislative Correspondent (LC): Manages correspondence operation, sorting constituent mail and writing responses. May also hold a policy portfolio and support LAs with policy work and constituent meetings.

Staff Assistant: The 'face' of the office, greeting visitors, answering phones and setting up Capitol tours.

Scheduler: Gate-keeper. Controls MoC's schedule & often serves as executive assistant.

Press Secretary/Communications Director: Oversees communications operation and strategy – writing press releases; organizing press conferences; responding to press inquiries; and developing message.

District Office positions:

State/District Director: Leads state/district staff and outreach efforts. Often as powerful as CoS.

Constituent Services Manager/Caseworkers: Handles constituent casework on issues ranging from immigration to veteran's benefits to housing issues to Medicare/Medicaid to social security.



Committee Staff Guide

Committee staff structure & size varies according to the chairperson's preferences and committee responsibilities. Staff sizes range from 25-100+. Most committees maintain separate majority and minority staffs (two exceptions are the Intelligence & Armed Services Committees) – majority staffs are larger. Most staff are hired to full committee, though some are hired directly to a subcommittee.

The following key positions are replicated on both the majority and minority staffs:

Staff Director: Committee's chief of staff, working directly with chairperson or ranking member to determine committee priorities and direction; managing and overseeing committee staff; coordinating committee activities with leadership; and overseeing the committee's budget. As the most senior staff member, the staff director serves as primary advisor to the chairperson/ranking member on committee policy issues.

General Counsel/Chief Counsel: Committee's lead attorney, responsible for assisting in the drafting of legislation, setting agenda for committee bill mark-ups, negotiating amendments and ensuring that the committee follows the law and chamber rules. General counsel may also have a substantive portfolio.

Chief Investigator: Leads committee investigative activities.

Professional Staff Members (PSMs)/Counsels: Manage a specific policy portfolio – drafts and reviews legislation; manages committee hearings and oversight work; briefs MoCs; and writes talking points & speeches. In general, "counsels" are PSMs with a law degree. Each subcommittee has a majority and minority PSM/counsel serve as the subcommittee "staff lead" or "director." PSMs tend to be mid-career professionals. The title "Senior PSM" is sometimes given to those with substantial experience.

Fellows: Staff seconded from the military or an executive agency to support the committee for a set period.

Staff Assistant/Associates: Junior policy and administrative staff who conduct policy research, manage mail operation, provide administrative support; manage front office, and prepare materials for hearings.

Press Secretary/Communications Director: Committee's spokesperson, handling all communications; crafting & coordinating message; arranging interviews; writing press releases and responding to press.

Clerk: Nonpartisan staffer who manages records and coordinates paper flow (one per committee).

Other Common positions: Deputy Staff Director; Deputy Chief Counsel; Chief Oversight Counsel; Policy Advisor; Investigators; Budget Director; and Press Assistant/Communications Assistant.



Appropriations Committee Staff Guide

The Appropriations Committees have a somewhat unique staff structure. For example, unlike in other committee offices, clerks are among the most senior appropriations committee staff.

The following are the major staff positions in Appropriations Committee & subcommittee offices:

Staff Director: As the overall head of the committee staff, the appropriations Committee Staff Director is an extremely powerful position, responsible for brokering the distribution of discretionary spending resources between the different Appropriations subcommittees.

Clerk: The lead staffer on a given subcommittee, the clerk serves as the subcommittee's staff director and its senior most subject matter expert. Appropriations subcommittee clerks have extensive discretion to write the appropriations bill within the subcommittee.

Professional Staff Member: Most Appropriations Committee PSMs are assigned to a specific subcommittee, though a number of PSMs handle technical issues at the full committee level. Within the subcommittees appropriations jurisdiction, PSMs are generally assigned particular budget accounts (anywhere from one to dozens, depending on the size of the accounts). PSMs are responsible for identifying areas where spending can be cut or ought to be increased, and for evaluating requests from members for earmarks within their portfolio.



Agency Legislative Affairs

Each agency has a legislative affairs office, which coordinates its legislative activities and serves as its principal liaison to Congress. Since most everything an agency does revolves around funding, legislative affairs officers are quite powerful. Legislative affairs office responsibilities include:

➤ **Agency legislative activities:**

- Advising agency officials on legislative strategies and congressional outreach;
- Help secretary organize priorities & act as “deal-broker” w/ Congress to secure funds;
- Tracking and reviewing agency-relevant legislation;
- Advocating for Administration-supported legislation and appropriations and coordinating Statements of Administration Policy on pending legislation;
- Overseeing the confirmation process for agency’s presidential appointees.

➤ **Congressional liaison activities:**

- Facilitating communications with Congress, including testimony by agency officials, MoC and staff briefings and responses to congressional inquires;
- Translate “Hill-speak” into department-speak and vice versa;
- Providing information to Congress on agency programs and on policy issues under the agency’s jurisdiction; and
- Coordinating MoC & staff travel to agency facilities in U.S. and abroad.

➤ **Interagency liaison activities (DHS and DoD):**

- Supporting agency officials in interactions with White House and other agencies;
- Providing information to the White House and other agencies on agency programs and on policy issues under the agency’s jurisdiction.



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