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# THE ROLE AND EFFECTIVENESS OF SELECTED CONGRESSIONAL LIAISON OFFICES IN THE EXECUTIVE BRANCH

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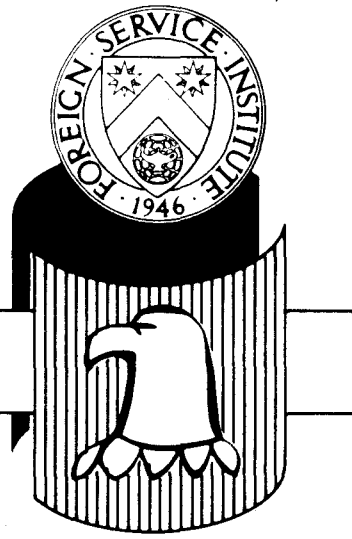
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NINETEENTH SESSION

## SENIOR SEMINAR IN FOREIGN POLICY

DEPARTMENT OF STATE



1976 - 1977

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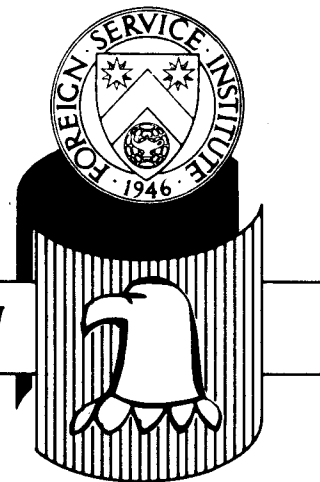
Case Study by EDWARD GOTTFRIED



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## THE ROLE AND EFFECTIVENESS OF SELECTED CONGRESSIONAL LIAISON OFFICES IN THE EXECUTIVE BRANCH

By

Edward Gottfried

### SUMMARY

Based on interviews with officials in the Congressional Liaison offices of the Departments of Defense, Commerce and Health, Education and Welfare and staffers in counterpart Congressional Committees, I found that liaison between the Executive and Legislative Branches is surprisingly good.

The Federal agencies contacted saw their Congressional Liaison roles similarly:

- Answering Congressional inquiries.
- Providing substantive information.
- Testifying before committees.
- Tracking legislation.
- Maintaining good personal relations with Congressional staffers.

There were slight differences among the agencies in carrying out their roles; but, basically the approaches were the same.

Intra-departmental Congressional liaison organizations were decentralized. The Departmental liaison offices were more coordinators than controllers of the other liaison staffs.

Congressional committee staffers were generally satisfied with responses from the agencies. They usually worked through the liaison offices. However, they did not hesitate to go directly to the program people when the liaison staffs did not respond promptly.

The committee staffers would like to see more initiative on the part of the Executive Branch in keeping the hill informed on Congressional related issues.

Both branches agree that a better understanding of each others problems is desirable. This can be done by more frequent exchange of visits, particularly on the part of committee staffers to the agencies.

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## THE ROLE AND EFFECTIVENESS OF SELECTED CONGRESSIONAL LIAISON OFFICES IN THE EXECUTIVE BRANCH

### I. INTRODUCTION

Based on my own experience with the Executive Branch of government and a brief time with the Legislative Branch, I started my study with a personal premise: The Executive Branch looks at the Congress with awe and the Congress looks at the Executive Branch with disdain.

In my study I attempted to find out why or if in fact that premise was valid, and what could be done to improve relations.

My initial approach was through reading about the relationship between the two branches. I discovered that very little has been written about the day-by-day relationships.

Books and articles treated the philosophy and the responsibilities of the Legislative and Executive Branches. But nothing on the nuts and bolts dealings between Congress staffers and executive middle management which, I believe, form the true basis for a good relationship between the branches.

I used the interview method as the basis for my study. I spoke with members of the Congressional Committee staffs and Executive Branch liaison professionals.

Because of the broad and complex factors involved in a study of this kind, I limited the agencies involved to Defense, HEW and Commerce and their counterpart hill committees.

The people interviewed were generally cooperative and open. I spoke with some Executive Branch Republican holdovers on their way out, some apolitical incumbents who would stay on under the new Administration, and some recent appointees. (I tried to meet with someone from the White House Congressional Relations staff and was told to send a letter. My letter is still unanswered.)

I opened each interview by stating my personal "awe and disdain" premise. I then posed the following questions to the Executive Branch Congressional Relations people.

- What does your office do?
- How do you go about carrying out your functions?
- How frequently do you meet with Congressional members or staffers?
- Do you find it more productive to deal with a member or a staffer?

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- What kind of a relationship do you have with the White House Congressional Relations Office?
- What changes are needed to improve relations between the Congress and the Executive Branch?

On the Congressional side I met with Committee staff members and asked these questions.

- Do you deal principally with the Congressional Relations Offices of the Executive Branch?
- Are you satisfied with the response and timeliness of the information you ask of the Executive Branch? If not, why not?
- What changes are needed to improve relations between the Congress and the Executive Branch?

I met with about ten people on the executive side and an equal number on the Congressional Committees' staffs. The time of the interviews ranged from thirty minutes to an hour and a half.

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## II. GENERAL

Congressional-Executive relations can be placed into five categories.

- A. Secretarial testimony.
- B. Appropriations.
- C. Constituent inquiries.
- D. Substantive information.
- E. Lobbying.

A. Secretarial testimony. This is a highly political function of Congressional relations. Its effectiveness depends on factors such as the prestige and influence of the Secretary. More often than not Secretarial testimony is more public relations than substance. A Henry Kissinger session before a committee was normally well covered by the media. The committee members' questions and comments were directed more to the media than to the Secretary. Congressional Relations staffs have a key responsibility in briefing the Secretary for testimony before Congressional Committees.

B. Appropriations. Because of the esoteric nature of the Federal budget and the special expertise required to present it, the Congress normally deals with the Executive Branch Comptrollers. The process and the interaction between Congress and the Executive Branch is not covered in this study.

C. Constituent inquiries. In this area, the Congressional Relations staffs deal with the members' offices as opposed to committee staffs. It is a fairly routine procedure whereby the member's staff receive requests from constituents by mail, telephone or personal visits. Depending on the member, the constituent's letter is sent to the Congressional Relations staff of the proper agency for either direct reply to the constituent, with a copy to the member; or, for information on which the member can base a reply to the constituent over his own signature. Constituent phone calls may also be referred to the Executive Agency for direct reply to the caller. Occasionally a member will arrange a meeting in his office with his constituent and representatives of a Federal Agency to resolve a constituent's problem.

D. Substantive information. Here, the committee staffers and the Executive Agencies must maintain a continual liaison to exchange ideas, information and data relating to proposed legislation. The Executive Branch supplies information by

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reports, letter, telephone, briefings and formal testimony before Congressional Committees. This is the area where the biggest problem of Congressional relations with the Executive Branch exists.

E. Lobbying. It can be argued that lobbying is inherent in the four preceding categories. It is listed separately because it is probably the most important function of the Executive Branch in its dealings with Congress. When an Executive Agency provides information to a member for reply to a constituent, or to a committee staff on the budget or a legislative proposal, it is normally slanted in a manner that supports the Administration's position. Also, a good Congressional Relations staff will arrange frequent visits with key agency operating people and congressional members and staffers to explain and defend Administration legislative proposals.

There are some variations in the way each of the three Federal Agencies examined in this study deal with the Congress.

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III. THE EXECUTIVE BRANCH

A. Department of Defense

Structure. Each service has its own Congressional liaison staff and is "indirectly" answerable to the OSD liaison office. This means that OSD coordinates the liaison activities of the service staffs and is advised of major dealings they have with Congress. The OSD staff also coordinates information from the services when the Secretary of Defense testifies before Congressional Committees. Normally, the service liaison offices operate autonomously in dealing with Congress.

A total of 317 people work for the military liaison offices:

OSD	-	38
Air Force	-	100
Navy	-	85
Army	-	90
Marines	-	4

Army, Navy and Air Force liaison offices have staffers physically located in the Senate and House office buildings.

The "big three" committees that the military deal with are the Armed Services, Appropriation and Budget Committees.

Congressional Mail. About 60 percent of the Congressional liaison staff's time is expended in answering Congressional mail. The Congressional letters are usually requests for information from members for their constituents. Some letters are from committee staffs for substantive information.

Congressional inquiries may be sent to the liaison staffs or they may be sent directly to the operating people for reply. Copies are provided to the liaison offices of the services. If the issue involved has political ramifications the replies must be cleared with the liaison staffs before transmitting to the Hill.

Legislative proposals. The initiating service operating people, the General Counsel and the liaison staffs, are all involved in tracking legislative proposals. There is no institutionalized way of following pending bills. It is done mainly through personal contacts with the committee staffs, reading the Congressional Quarterly and following the Congressional Record. Depending on the importance of the bill the Secretaries or Assistant Secretaries may make it known that they are available to discuss a bill with members of Congress.

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On a lower level military experts do the same thing with committee staffers or members' staffs. These discussions can range from public testimony before a committee, formal briefings before a group of committee members and staffers, to informal meetings held in the Pentagon or in a member's office.

Testimony. Liaison office staffers do not testify before Congress. Operational experts are selected to be testifiers.

Question and Answer sheets are prepared by the OSD Congressional liaison staff for testimony before the Armed Service, Appropriations and Budget Committees. (This differs from Commerce and HEW where Congressional liaison staffs are not involved with budgetary requests.)

Dry runs, or rehearsals, are held at all levels in the Pentagon to prepare the testifiers for possible questions from committee members. A member friendly to a DOD official may provide some questions before a hearing. This normally has no effect on the outcome of the hearing but does protect the official from possible embarrassment.

Meetings. There are no regularly scheduled meetings between DOD officials and Congressional members or staffers. The Department of Defense finds it more practical to meet on an ad hoc basis rather than set up weekly or monthly liaisons. Normally meetings are called by the Congressional side. The Department of Defense usually deals with the staffers, rather than the Members. The staffers have more time than the Members and usually have more expertise. Again, on major issues, dealing with the Members may be more desirable and necessary.

Case work. Case work, e.g., getting an early military discharge for a constituent's son, is normally handled by the liaison staffs located in the Congressional Office buildings. These staffs are in close proximity to their Congressional Case Worker counterparts.

Improvements. OSD liaison would like to be able to tell top management that the hottest thing on the Hill this week is.... They realize that there is no magic formula for determining the major interests of the most important (to DOD) Members. Also, the channels of communication between the Pentagon and the Hill are so many that it is sometimes difficult to hone in on the proper Hill staffer.

There were really no specific suggestions for improvement but a need for more of an understanding of the complexity of the liaison problems was expressed.

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B. Department of Commerce

Structure. Forty-three people work in nine separate Commerce Congressional Affairs offices. The organizations represented are:

Office of the Secretary  
Domestic and International Business Administration  
Economic Development Agency  
National Fire Prevention and Control Administration  
National Bureau of Standards  
National Oceanic and Atmospheric Agency  
U.S. Travel Service  
Bureau of the Census  
Maritime Service

Each liaison office is controlled by the Bureau Chief. Although these offices are not under the Department's Congressional Affairs Office (DCAO), they do meet with the Departmental Office every other week to discuss issues of interest to the Secretary. The Departmental liaison staff handles broad subject areas, e.g., commercial technology.

Most of Commerce's legislation is handled by the Senate Commerce Committee.

Congressional mail. All Congressional mail is sent to the Departmental Congressional Affairs Office where it is disseminated to the proper Bureaus for reply. Copies of replies are furnished to the DCAO, and depending on the importance of the letter, as it involves policy, it may be reviewed by Commerce officials including the General Counsel and the Secretary.

Routine constituent mail is answered by the Bureaus with no higher review required.

Legislative proposals. Bureau liaison staffs personally follow bills through committee hearings and conferences. They are advised of action on the floor by phone. The Bureau Directors or DCAO tell the Bureau liaison staffs what bills to track. The liaison staffs prepare weekly reports for intra-Commerce use on the status and forecast of selected bills. The DCAO further edits these reports and advises the Secretary on the status of key issues.

Testimony. The liaison staffs arrange the testimony of the operating people. Liaison staffers do not testify themselves. The General Counsel's office carefully reviews and clears written testimony provided to the Congress. Testimony before appropriations committees is handled by the Comptroller with no involvement by liaison staffs.

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# CONCLUSION

Meetings. On a day-by-day basis, at least one member of the liaison staff spends some time on the Hill. Sometimes, it is to deliver requested information in person. Frequently, liaison people drop by staffers' offices to maintain a personal relationship. Visits are made to gauge a forecast on a pending bill or reaction to a Commerce official's recent testimony. Liaison people also cover hearings which lead up to testimony by high Commerce officials to get a feel for the "climate" of the hearings. Meetings are ad hoc although at least one Commerce liaison staffer believes that regularly scheduled briefings should be given to key committee members and staffers.

Operating officials are sometimes asked by members' staffers to attend meetings with members and his or her constituents. Meetings of this type can develop into solid personal relationships that are beneficial to both branches of government.

Improvements. The Department's Congressional Affairs Office believes that the following would improve relations between the Executive Branch and Congress.

- Liaison staffers must have some hill experience. By being "one of them" liaison staffers would be more sensitive to the egos of the Congressmen.
- Liaison staffs should try to anticipate more rather than operate by crisis.
- The Congress should utilize the Library of Congress more than it does instead of asking the Executive Branch for information readily available at the Library.

In the Bureau liaison offices some improvements suggested were:

- Be punctual in getting written testimony to the Committees. Give the Committee staffers and members a chance to read it. Keep the written testimony brief.
- Take initiatives to brief Congressional staffs in selective areas of interest to the Congress. Deal on a staff-to-staff basis because it is less awesome than dealing with the members.
- Introduce key Executive Branch officials to Congressional counterparts and try to arrange for periodic meetings to keep up a relationship between them.

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## C. Department of Health, Education and Welfare

Structure. The Congressional Liaison Office is in the process of being reorganized. There were 20 staff members during the previous Administration and there are currently nine permanent staff members and two consultants.

There is no formal Congressional Relations organizations below the Secretarial level. Four Deputy Assistant Secretaries (DAS) answer to the Assistant Secretary for Legislation. One DAS covers Health, one Education and one Welfare. The other DAS deals with the Congress on less substantive areas such as constituent correspondence, public phone inquiries and case work. He also performs the politically important function of notifying Congressmen when HEW grants are approved for their districts.

The Office of the Assistant Secretary for Legislation has no control over the Congressional liaison functions below the Secretarial level. The Congress deals directly with the program people. HEW has no procedure for controlling liaison with the hill.

Under the previous Administration, HEW had four liaison officers located on the hill, two in the Senate and two with the House. These four people covered the Congress on a geographic basis. Under the new organization, the four liaison officers will remain but they will be more substantively involved. They will each cover certain program areas rather than geographic areas.

The principle committees that HEW deals with other than appropriations and budget are the Senate Human Resources Committee and the House Education and Labor Committee.

Improvements. Because the HEW Congressional liaison personnel were all very new it was difficult to determine their methods and procedures in dealing with the Congress. It was really just being developed.

However, they did have ideas for improving Congressional relations. They would like to have control over the program people's liaison with Congress, at least to the extent of being kept informed on important meetings and issues.

The Congressional liaison staff believes that one of their primary functions is to keep Congress informed on major HEW activities that may affect Congress.

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Under the new organization they hope to be able to:

- expedite replies to Congressional correspondence;
- provide more accurate information; and
- develop a better rapport with the Congress.

As a former Congressman's legislative assistant, one new HEW congressional liaison official believes that some Congressmen want to be consulted more by the Executive Branch. They would like to be more involved in Executive Branch planning.

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#### IV. THE CONGRESSIONAL COMMITTEES

##### A. Armed Services Committee

Most staffers agreed that their relationship with DOD was excellent. They were very satisfied with the timeliness and information provided in response to committee inquiries.

Committee staffers normally work through the DOD liaison people. But, if the response is not adequate or fast enough (it usually is), they have no compunctions about calling the operating people directly.

Personal relationships are good and meetings are frequent enough to meet the needs of the committee. In response to my question on the value of regularly scheduled meetings, committee staffers unanimously said that they would be a waste of time. They preferred ad hoc meetings as they have now.

One staffer said that the only limits in getting information from DOD was the committees "own wit and will." He said that too often the committee doesn't ask the right questions because they don't understand the subject well enough. Because of this sometimes too much "disinformation" or "psuedo information" is provided. The problem is not the amount of data submitted by DOD, but the lack of order to the data.

This same committee staffer believes that there is a need for more and better analysis on the parts of both the committee and DOD. The committee must develop a "more rigorous analytical process" to include political, security and economic considerations. He would like to see DOD people improve their analysis also. In this way it would be easier for the Congressional "generalists" to identify and rank by priority problem areas to be further explored.

##### B. Commerce Committees

The committees get information from Commerce but only through the efforts of committee staffers. Some would like to see information voluntarily supplied on a regular, periodic basis. They complained about not receiving relevant reports unless they asked for them. The committee is not always aware of reports that may be useful to them.

Some committee staffers felt that operating officials were too frequently surreptitious in their dealings with the committee. The staffers attributed this attitude to a lack of understanding of the Congress. Of course under the previous Administration, particularly under Nixon, relations between the Executive and Legislative Branches were somewhat less than perfect. Taking their lead from the White House, many government officials adopted a wary approach to the Congress.

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Even in the early stages of the Carter Administration, committee staffers detect a more open attitude on the part of Executive Branch officials.

The general feeling of the committee people was that the Congressional liaison staff was effective only if there was no rush for information needed by the Congressional Committees. Otherwise, the liaison staff took too much time to gather and submit data to the hill. More often than not the committee staffers contact operating agency officials directly.

Among the improvements the committee staffers would like to see are:

- ° Someone from the Congressional Liaison Office physically located on the Hill.
- ° More frequent briefings (ad hoc) on relevant issues by the Executive Branch.
- ° A better understanding of the problems facing the Congress.
- ° More personal contact between top Commerce officials and committee staffers.

C. HEW Committees

HEW is responsive to committee requests for information. The staffers depend on informal contacts among the liaison staffs and the program people. There is no hard and fast rule for obtaining information from HEW.

Formal, regular briefings by program people to committee members or staffers would be a "waste of time" according to one committee staffer. He would rather see more informal ad hoc meetings with high level HEW officials, including the Secretary.

The Hill would like to see more communications from the Executive Branch to know of actual or potential legislative problems relating to their agency.

The Executive Branch should initiate meetings with members or staffers to get ideas from Congress before the Executive Branch formally submits legislative proposals. The committee staffers believe that the Executive Branch is apprehensive about initiating these discussions before a formal proposal because it fears that the Congress may "kick them in the shins," i.e., harshly criticize the proposal.

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## V. CONCLUSIONS

The Congress is basically satisfied with the liaison with DOD, Commerce and HEW. The criticism was not very serious. The Executive Branch liaison offices know their shortcomings and also realize that they are extremely difficult to overcome. More importantly, the problems are not major enough to cause concern in either branch of government.

Of course, there are many people in the Executive agencies involved in Congressional liaison in addition to formal liaison staffs. But, the role of the liaison staff should be key. An effective staff can save many misspent hours of work by the operating people.

A Commerce Congressional Affairs official articulated the role of the Congressional liaison staff very well. He said: "We are tacticians, and strategists. We know pressure points, people and timing. We also know how best to deal with Congress."

The problem is that the Congressional liaison people are somewhere in the middle of the Executive/Legislative communication pattern. They work for the Federal agencies but usually come from Congressional staffs or committees. They are normally a small staff and cannot effectively carry out their assigned roles because of the volume and variety of situations and people (on both sides) they must deal with.

The Congressional liaison is the key to improving relationships between the branches of government. A minor restructuring is necessary within the Executive Branch.

The Departmental liaison staff should have control over all Congressional liaison activities of an agency. They should be responsible for preparing guidance on dealing with the Congress. It is not feasible, nor desirable, to establish rigid procedures because of the diverse interests and personalities of Congressional Members.

Liaison offices should solicit from operating people possible issues to be discussed with the Congress. Congressional staffers should also identify problem areas and ask for informal meetings before the problems erupt and require endless hours of Executive Branch time.

The mechanics of Congressional relations, i.e., correspondence, phone inquiries, case work, is really not the problem.

Understanding each other's need and different methods of operation is the basic problem. An elected representative is much more sensitive to constituents' problems than career civil servants or appointed officials in the Executive Branch.

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There should be a Congressional Executive Branch interchange program where middle management executive officials can change places with their hill committee counterparts and Members' staffers. This would allow both sides to be personally involved in the problems peculiar to the respective branches of government.

There should be a designated Congressional liaison staff in each bureau or office of every agency. This staff would be under the Departmental Congressional Liaison officer and serve as a Congressional advisor, conduit, letter writer, case worker, and meeting arranger, for the program people. This staff should have hill experience.

Considering the complexity of Congressional liaison, it is a wonder that it is being handled as well as it is.

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