

CHAPTER TEN

Congress Government Accountability Office
Interagency Collaborators **Citizens** White House
Office of Management and Budget Interest Groups
and Associations **Interagency Councils** State
and Local Governments **Unions** White House
Policy Councils **Media** Inspectors General

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CONGRESS

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There are many sets of stakeholders described in this volume. While all are important, only Congress has authority to enact laws and provide money to your agency. While OMB has to approve your agency's budget request and legislative proposals to Congress, it is Congress who ultimately decides how much funding your agency should receive and the legislation that it operates under. Thus, it is crucial for you to work well with Congress and to understand the dynamics of the congressional process both for appropriations and oversight.

In order to succeed in your position and to accomplish your agency's mission, you must understand certain realities about Congress. The tenure of some of your predecessors may have been shorter than they wished because they did not recognize these five lessons about working in Washington in a highly political environment.

Lesson One: Political and pragmatic power in Washington is shared between the Congress and the executive branch.

While it might sound like Civics 101, it is important that you understand that our political system is constitutionally one of separation of powers. The Congress under Article I of the Constitution is given preeminence in the legislative realm. That means only the Congress can enact laws and only Congress has the power of the purse. The Congress guards these powers very jealously. If you wish to formulate a new program, revise an existing program, or request money for your programs, you must get congressional approval. The ultimate power for such actions rests with the Congress and not the executive branch. The president does not have the power to unilaterally start or fund new programs. So Congress is clearly going to play a major role in the success, or lack thereof, of your agency during your tenure.

Lesson Two: You must understand the oversight powers of the Congress.

If you are a presidentially appointed and Senate confirmed executive, you are bound by terms of your appointment to appear before congressional committees when duly summoned to testify. You cannot decline such an appearance. Political appointees that are not Senate confirmed may not be bound by such strictures, though it is in the best interest of the administration to let them testify before the Congress on their programmatic areas of jurisdiction. While all your written testimony is cleared by your department, coordinated with the rest of the executive branch, and cleared by the Office

of Management and Budget, you will undoubtedly be asked further questions in a hearing and you must answer these questions as truthfully as possible, especially if you are testifying under oath.

Oversight hearings are conducted by both appropriations and authorizing committees. Appropriations hearings are concerned with your budget request and you will have to vigorously defend your agency's request. Additionally, there will be a large number of follow-up questions submitted to you and your budget staff that generally have to be answered within 48 to 72 hours. Failure to answer these follow-up questions can adversely affect your final budget approval.

Authorization oversight hearings are wide-ranging. Here Congress will also receive extensive testimony from congressional support agencies, such as the Congressional Budget Office and the Government Accountability Office, as well as various interest groups that may endorse or oppose your programs. Here again, you must be attuned to the programmatic concerns raised in the oversight hearing and mount an effective presentation that deals in a straightforward manner with the subjects raised.

Lesson Three: In addition to their concern about the national well-being, you must understand that Congress is also concerned about the impact of national policies on their political constituencies.

Congress may share the executive branch view that a new or revised public policy has a broad base of public need. However, members of Congress have an obligation to understand the impacts of these national policies on their respective state and local constituencies. As an example, a Senate chairman of the Energy and Water Appropriations Subcommittee may well support a well-intentioned national energy research policy, but if such a senator happens to be from Tennessee, the senator will also wish to ensure that it benefits agencies such as the Tennessee Valley Authority and the Oak Ridge National Laboratory, which are located in the senator's home state. Thus, you must work closely with your management team to fully understand the state and local impact of the new or revised policies or programs that you propose to the Congress.

Lesson Four: In addition to the Congress itself, you also will be working closely with other oversight organizations.

The Congress is served by a number of organizations that provide continuing oversight of the executive branch. Upon congressional request, the Government Accountability Office (GAO) can begin an oversight investigation of the activities of your agency. GAO has subpoena power that can compel the submission of evidence for their report to Congress.

Your own departmental inspector general (IG) has similar powers that can be activated by congressional request as well. The Congressional Budget

Office, the Joint Committee on Taxation, and various other congressional appropriations and authorizing committee staffs often provide deep subject-matter expertise to the Congress that can often prove a match for some of your own executive branch staff expertise. All these instrumentalities and staff will, at some point, interact with you in matters of congressional oversight. You should pay significant attention to them and work to develop effective working relationships with these organizations and staff.

Lesson Five: You should not regard Congress as an adversary. Congress and the executive branch share a joint responsibility to make sure that government programs serve the public interest.

Congress need not be your adversary and certainly should not be your enemy. You and the members of Congress have a responsibility to make government work for the public interest. Appropriations bills have to be enacted annually. Budget resolutions occur every year. New programs have to be authorized or old ones reauthorized. These actions ultimately require positive interactions between Congress and the executive branch.

An example of the two branches working closely together is the Budget Reconciliation Bill of 1990. The comprehensive budget bill was hammered out in an executive-legislative summit, sometimes held at Andrews Air Force Base. High-ranking executive branch and legislative personnel and their respective staffs engaged in an arduous exercise to find a bill that the Congress could pass and the president could sign. Ultimately, a five-year, \$500 billion budget deficit reduction bill was enacted into law. Compromise and a sense of shared executive-legislative responsibility for reducing the deficit was the order of the day.

Finally, you must always remember that both the executive branch and the Congress have to work together, day in and day out, to ensure that legislation and funding will be available for the executive branch to implement the constitutional duty of the executive branch.

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