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DEFENSE SYSTEMS MANAGEMENT COLLEGE

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PROGRAM MANAGEMENT COURSE INDIVIDUAL STUDY PROGRAM

ROLE OF CONGRESSIONAL STAFF
IN THE
WEAPON SYSTEM ACQUISITION PROCESS

STUDY PROJECT REPORT
PMC 76-2

JOHN W. ALLSBROOK
MAJOR USAF

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DEFENSE SYSTEMS MANAGEMENT COLLEGE

STUDY TITLE:

Role of Congressional Staff in the Weapon Systems Acquisition Process

STUDY PROJECT GOALS:

To determine the roles and responsibilities of professional committee staff and the extent of their influence on the defense weapon systems acquisition process. Also, to identify the sources of committee staff influence and the implications to the program manager.

STUDY REPORT ABSTRACT:

The purpose of the research study was to identify to the uninitiated program manager the importance of the professional staff of congressional committees in the budget approval process. An extensive literature search was conducted to examine staff roles and staff relationships with committee members and DOD personnel. The available literature documents a number of interviews with participants in the budget approval process and provides a candid view of how much of congressional activity is actually controlled by committee staff. The study discusses the sources of staff influence on the decision-making process and the limitations of that influence. Finally, advice to the program manager is offered relative to his interface with committee staff.

SUBJECT DESCRIPTORS: Congressional Committees
Congressional Relations
Congressional Staff
Budget Process

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⑥ ROLE OF CONGRESSIONAL STAFF
IN THE
WEAPON SYSTEM ACQUISITION PROCESS

⑨ Study Project Report,
Individual Study Program

Defense Systems Management College
Program Management Course
Class 76-2

⑬ 47 p.

by

⑩ John W. Allsbrook
Major USAF

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Study Project Advisor
Capt Paul Tuzo, USN

This study project report represents the views, conclusions and recommendations of the author and does not necessarily reflect the official opinion of the Defense Systems Management College or the Department of Defense.

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EXECUTIVE SUMMARY

The role played by congressional committee staff in the weapon system acquisition process is often not fully understood by some program managers. Professional committee staff have become an increasingly important factor in that part of the process that requires congressional review and approval of weapon system programs. Committee staffs are no longer oriented solely to budgetary matters, but are beginning to delve into technological matters previously ignored by the Congress.

Committee staff work primarily for the committee chairmen and perform a wide variety of duties which permit them to exert considerable influence on the decision-making process. Staff personnel not only prepare committee members for hearings in which weapon system programs are reviewed, but in some cases the staff become active participants asking questions of witnesses and challenging responses. The extent of staff influence on committee decisions varies with a number of factors including individual competence and initiative and the confidence placed in the individual by committee members.

The primary source of an individual staffer's influence is the information he gathers, interprets, and disseminates to those who finally pass judgement. Much of the information gathered on DOD programs is obtained from the military

services and the program management office, but congressional staff also have independent information sources.

The program manager should never underestimate committee staff influence. Rather, staff confidence should be sought through open, responsive, and forthright communications.

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SECTION I

INTRODUCTION

Purpose of the Study Project

One of the most critical aspects of the weapon system acquisition process is the budgeting activity which culminates in the approval of program funds by the Congress. The program manager is very often startled and disappointed upon first contact with this part of the process, especially when he discovers how the interface with the Congress is actually carried out. Some have a preconceived concept of "the Congress" as an amorphous body which, in an almost whimsical manner, approves or disapproves a given weapon system program. To others, Congress is a great hall of partisan debate in which the "hawks and doves" draw the battle lines and, in statesman-like oratory, decide the weapon system's fate.

What surprises the uninitiated program manager is not only that his preconceived ideas are so far astray from the real world, but that some of the key congressional players in the decision process are other than elected officials. The occasion of this surprise is the discovery of the role played by the professional staff of those standing committees which hold sway over the annual budgets of the Department of Defense.

For some program managers, surprise often turns to indignation. John F. Judge, writing in the Government Executive, summarizes this indignation in an unattributed, but typical allegation lodged against the professional staffer.

Who does he think he is? Everything is on or ahead of schedule, everyone in authority is for it, all objectives are being met and this guy is obstructing. He is using old information, wrong data and other misleading tactics. No one at his level should have this much power. Reason, logic, facts, nothing penetrates. Who does he think he is?

Mr. Judge goes on to explain that the professional staff member against whom such a charge might be made is a member of a unique and powerful group who, he claims:

- Is all but invulnerable to a direct attack,
- Can create legislation, although they are not legislators, (and)
- Can reduce Generals and Admirals to impotent, incoherent sputterers, although they do not hold (and may never have had) military rank (12:67).¹

Another writer, attempting to describe the power of the congressional staff, refers to them as a "third house of Congress" (20:26). Certainly an appreciation for and an understanding of a group of people so described are vitally important to the program manager. The purpose of

¹This notation will be used throughout the report for sources of quotations and major references. The first number is the source listed in the bibliography. The second number is the page in the reference.

this study project is to develop such an appreciation and understanding.

Specific Goals of the Project

The program manager will discover that the success of his program may well hinge on its acceptance in the the Congress and that such acceptance includes the endorsement of professional staffers on the Armed Services and Appropriations Committees of both the House of Representatives and the Senate. The staffs of the House and Senate Budget Committees are also expected to play an important role in congressional oversight of weapon systems acquisition, but at this writing the exact nature of their role is not clear. Therefore, discussion of Budget Committee staff, per se, will be excluded from this study. Nevertheless, it may be assumed that norms established for staff of other standing committees will, in general, hold true for staff of the Budget Committees.

In seeking approval for his program from the appropriate congressional committees, the program manager may have to appear as a witness before the committees in public or closed hearings. It would be rare, however, that such an appearance would not be preceded by a session with one or more committee staffers. In other cases, a session with committee staff may be the only opportunity the program

manager has to personally sell his program to the Congress.

Who, then, are these people that make up committee staff? What is their role in the acquisition process? What are their responsibilities and what is their authority? Do they, in fact, influence decisions in the acquisition process? And if so, how? What are the implications to the program manager? These are some of the specifics to be addressed by this study project.

SECTION II

THE CONGRESSIONAL ENVIRONMENT

The Legislative Process

Many newcomers to the program management business do not fully understand the legislative process to which weapon systems are subject, much less the individual roles carried out by congressional staff. Thus, to provide perspective to the task at hand, it is appropriate to briefly review the evolution and mechanics of the legislative process.

Congressional authority over the DOD budget is rooted in the U.S. Constitution. Article I, Section 8, of the Constitution embodies in the Congress the power "to raise and support Armies," "to provide and maintain a Navy," "to make rules for the government and regulation of the land and naval forces," and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

One "rule" made to "regulate the land and naval forces" has established a two-step process whereby military programs are first authorized by law and then, in a separate law, funds for carrying out these programs are actually appropriated. This process dates back only to 1921 when the House of Representatives made a rule that appropriations

could not be recommended by the Appropriations Committee for purposes not authorized by law. Similarly, another rule prohibited the substantive committees (e.g., Armed Services) from including appropriations in their reported authorization bills (21:49).

It was not until 1959, however, that the two-step process began to involve a detailed review of the total military budget request. This time the process was established in public law which provided:

That no funds may be appropriated after December 31, 1960 to or for the use of any Armed Force of the United States for the procurement of aircraft, missiles, or naval vessels unless the appropriation of such funds has been authorized by legislation enacted after such date.

Although this provision of the law dealt only with aircraft, missile and ship procurement, the Congress soon realized the desirability of expanding the requirement to other portions of the DOD budget. Consequently, there have been seven additional amendments to public law which now specifically require that research, development, test, and evaluation (RDT&E); tracked vehicles; personnel strengths; other weapons procurement (rifle, artillery, small arms, etc.); and torpedoes be subjected to the annual authorization process prior to appropriation (31:103-105).

The purpose of the separate authorization process is to permit the review of program and management considerations

by committees whose members specialize in areas of national defense, military operations, and weapons requirements. In theory, such consideration is made without concern for other Government programs which must compete for funds. Appropriations Committees, however, are theoretically more concerned with reconciling the budget requests of all Federal agencies with the limited total resources available. Although Defense Appropriations Subcommittees do specialize in military matters and make their own recommendations to the full Appropriations committees, the prior authorization effort does make their job somewhat easier (7:118).

Within this two-step framework of authorization and appropriation, how then does the Congress meet its Constitutional obligation? The process begins in January of each year when the Congress begins its regular session. Preceding the detailed review of individual programs, the Armed Services Committees of both the House and Senate hold military posture hearings. Normally these are a series of hearings beginning with the appearance of the Secretary of Defense and other OSD representatives. Subsequent appearances are made by the service Secretaries and the military chiefs. The posture hearings usually cover only broad aspects of the military budget including force structure and overall weapon and personnel strength levels.

Posture hearings are followed by the authorization hearings. It has been the recent practice of the respective Armed Services Committees to hold separate hearings on procurement and RDT&E. Generally, procurement hearings are held by the full committee and RDT&E is considered by special subcommittees. Although the principal witnesses at these hearings are normally Assistant Secretaries of the military departments and the military Deputy Chiefs of Staff, it is not unusual for a program manager to be called to testify, especially for designated major weapons systems. The primary responsibility of these witnesses is to defend and support the specific programs outlined and funds requested in the President's budget being considered by the Committees.

Because of the shortage of time as well as the desire for independent analysis, authorization hearings are held simultaneously in the House and Senate. However, due to statutory requirement that money bills originate in the House, the House Armed Services Committee is the first to complete its review and make any adjustments to the proposed budget. This process is referred to as bill "markup". The marked up bill is then presented to the full House together with a report containing rationale for committee action. Without waiting for the Senate version, the House will vote on the bill after two or three days of floor debate. The

Senate then normally allows the DOD to submit a written appeal of the House action to include the adverse impact of any reductions imposed by the House. After considering the DOD appeal and its own analysis of the budget request, the Senate Armed Services Committee submits its marked-up version of the bill accompanied by a report containing rationale for committee action. The full Senate votes on this bill after its own floor debate.

The result of separate House and Senate action is two different authorization bills. These differences must be resolved in a conference committee made up of selected representatives from the respective Armed Services Committees. During its deliberations, the conference committee may consider only those matters that are in disagreement. During this process the DOD is once again permitted to submit a written appeal of those actions under consideration. The conference committee normally will not consider any appeal of reductions already agreed on by both houses. When agreement between the conferees is reached, the compromise version of the bill is returned to the House and Senate for further debate and passage. Once approved by the Congress, the authorization bill is then forwarded to the President for signature.

Meanwhile, the second half of the two-step process has already begun. The appropriations phase generally

follows the sequence described for authorization but in different committees and with a whole new set of congressional participants.¹

Two general conclusions may be drawn from observing the legislative process. First, the process is long and involved. It may take from nine to twelve months to complete. Throughout the process the program manager is constantly being called upon to defend his program. He may be required to testify as an expert witness, or he may be tasked (usually on very short notice) to provide written answers to questions posed by Congressmen, staffers, or even other Government witnesses.

The second general conclusion drawn from observing the legislative process is that the heart of the process is committee activity. It is this activity that is the province of the professional staff.

The current concept of a professional committee staff was established in the Legislative Reorganization Act of 1946. Section 202(a) of the act provided for "not more than four professional staff members" on each standing committee except for Appropriations Committees. Appropriations, because of their greater oversight responsibility, were permitted to hire as many as each respective chamber

¹For further reading on the legislative process, see Zinn, How Our Laws Are Made (reference 32).

of Congress would permit (11:63). Expansion of committee staff was authorized by another reorganization in 1970. Today, the Senate Armed Services Committee has a total of 12 professional staff members, two counsel (lawyers), and a chief counsel who serves as staff director. The House Armed Services Committee has 11 professional staff members and seven counsel, including the chief counsel. In the Appropriations Defense Subcommittees, the House has eight staff members assigned and the Senate has five assigned (2:159ff).

Supervisor - Subordinate Relationships

In general, committee staff are appointed by committee chairmen. Although they are expected to support all members of the committee, primary loyalty is to the chairman. The reason for this loyalty is suggested by John F. Judge:

In most cases ... they are completely under the power of the Chairman. This power is absolute. The staffs do not enjoy any civil service protection. Each individual has a practical job security rating of zero. He can be fired, or eased out, in seconds, although the action is rarely that abrupt (12:67).

Rieselback, in his commentary on congressional politics, observes:

... the committee staff is the creature of the chairman: he determines who will be hired, how much assistance will be provided for the minority side, what the majority staff will do, and often the vigor with which it carries out its assignments (19:67).

Nevertheless, committee staff are expected to provide support to other committee members and they willingly respond. Richard Fenno interviewed a number of staff members of the House and Senate Appropriations Committees and reports the view of one staffer on his responsibility to support the members of a specific subcommittee:

I think the members of the subcommittee recognize that the clerk (staffer) is primarily attached to the chairman, who has the major responsibility in the subcommittee and certainly does more of the work than anyone else. If any other members of the committee ask me for help, or want some figures worked up, I do it. Mostly the chairman wants this; and next to him is the ranking minority member. He may even want me to work up an argument for him against what the majority wants. If he does, I'll do that. Sometimes I work up both sides of the argument (6:183).

Other committee members understand the delicate position of the committee staffer and make the best of the situation. Fenno also reports the attitude of a nonranking minority member:

The chairman has the clerk - and a damn good one - sitting at his elbow all the time. If I go to him and ask him for background material, he will help me all he can - up to a point. And that point comes when I'm trying to work up a challenge to the chairman's position. And that's right. He can't be expected to supply the ammunition that will scuttle the chairman in the full Committee or on the House floor. Given the ethics of the clerk's position, I'm sure he tells the chairman just what direction I'm moving in. So when I'm working up an amendment to challenge the chairman, he knows all about it. But I have no place else to turn (6:185).

Staff Qualifications

The credentials and experience of professional staff are somewhat varied, yet there are many similarities. As might be expected, many have law degrees and have practiced law prior to coming to the committees. Some have worked as journalists, including one staff member who had been congressional editor of the Army Times for approximately ten years before coming to the House Armed Services Committee staff (2:632).

Many of the staffers have been recruited from the executive branch of the Government, including the Department of Defense, "... thus securing the services of persons who are already well versed in the subject matter with which the committee deals" (10:115). A review of the background of those Armed Services and Appropriations Committee staff who have provided their biographies to the Congressional Staff Directory shows that the majority have at one time served on active duty with one of the military services. Some are retired military officers and at least one is currently a member of the U.S. Navy Reserve. Others have served on the civilian side of the Department of Defense including one who served for seven years as a deputy director of Legislative Liaison (2:585ff).

Budget experience in the executive branch is a highly desired qualification for staff members of the House

Appropriations Committee. In the words of a former committee chairman, "In order to know how to tear down a budget the clerk (staffer) must have had experience in building up a budget." The same Congressman, however, also noted that the committee would not consider hiring anyone who had a personal interest in his former agency. In fact, it is committee policy that no staff man will work in the budget area of the agency he came from. This prevents the staffer from helping former friends or "grinding old axes" (6:150-151).

A similar restrictive policy apparently does not exist in either of the Armed Services Committees. The recently retired principal staff member of a Senate Armed Services Subcommittee was formerly a budget officer in the Department of the Air Force for 15 years. His designated replacement is a retired Air Force officer who served his last tour on active duty within OSD. And two members of the House Armed Services Committee staff previously worked at the U.S. Naval Surface Weapons Laboratory prior to joining the Committee.

SECTION III

STAFF ROLES AND INFLUENCE

Individual Responsibilities

Staff members interviewed acknowledged that it is difficult to define their duties. There are no formal job descriptions, yet there are recurring tasks expected of the staffer. The role of the House Appropriations Committee staff, as described by Fenno, is characteristic of most committee staff:

For his subcommittee, each clerk is expected to schedule and oversee the routine of the hearings, suggest areas of inquiry for the hearing, make up specific questions for use in the hearings, prepare the transcript for publication, help prepare for the markup session, oversee the routine of the markup, participate during markup, help write the subcommittee report, and the subcommittee bill, participate in full Committee, sit with and advise subcommittee members during floor debates, help schedule and prepare for conference committee meetings, prepare materials for use by House conferees, participate in conference proceedings, receive and digest reports from the investigation staff, keep in constant communication, in season and out, with agency officials, and accompany committee members when they travel to visit agency installations. His role requires that he process all the committee's working documents and that he be present physically at every stage of decision-making. "There may be some part of the process that I miss or don't know about," said one staff man, "but I doubt it" (6:182).

These responsibilities are the behind-the scenes activities that might be expected of committee staff. It

is certainly an important role -- one that ensures the success of the legislative process.

Hearing Participation

The staff also plays another, more visible, role that is not included in Fenno's list. This is the role of inquisitor during hearings with near equal status to the committee members. This role appears to be more prevalent in the Armed Services Committees than in the Appropriations Committees. For example, a review of the published hearings on the fiscal year (FY) 1977 authorization bill shows that almost half of the questions asked of OSD and service witnesses were asked by committee staff (see, for example, references 25 and 29).

There are times during the hearings when there are no committee members present and witnesses are questioned exclusively by the staff. An example of this situation took place during a recent hearing conducted by the R&D Subcommittee of the Senate Armed Services Committee. The subject of the hearing was the Air Force budget request for FY 1977 funds for the Minuteman missile, the M-X missile, and the Advanced Ballistic Re-entry Systems program. The amount of funds being requested for these programs in FY 1977 was \$292.4 million. The witnesses included the

Deputy Director, Strategic and Space Systems, Office of the Director of Defense Research and Engineering; the Assistant Secretary of the Air Force, R&D; and the Air Force Deputy Chief of Staff, R&D. The only committee member present at the beginning of the hearing was the chairman. Also present were three professional staff members. The morning session lasted approximately two hours with presentations being made by the witnesses and questions being asked by the chairman and the staff. Most of the chairman's questions had been prepared in advance by the staff.

When the committee reconvened after lunch, only the staff members returned to continue questioning the witnesses. The staff had been instructed by the chairman to continue the hearings without him. The staff did so and the afternoon session lasted approximately two and one-half hours (23:6251-6530).

Dr. J. Ronald Fox, former Assistant Secretary of the Army, recounts his experiences in testifying before the Congress in his book, Arming America: How the U.S. Buys Weapons (reference 7). His account describes hearing after hearing to which Senators and Congressmen had come totally unprepared to examine acquisition programs brought before them. Fox quotes one staff member's apparent frustration at the situation following one committee hearing:

Did you see the members flipping through the pages of the back-up material while you were

reading your statement? Well, that's because none of them had taken the time to read the material prior to this meeting. When you sent over that material two weeks ago, I tried to get the Congressmen to take the time to read it, in view of all the attention being given to defense this year. Hell, I struck out completely. It turns out to be a big enough job just to get a few of them to come to the hearings. They just aren't interested (7:124).

Explaining part of the reason for what might appear to be abdication of congressional responsibility, Fox notes:

... Many Senators and Congressmen are overwhelmed, even intimidated, by the magnitude of the requests and by the confidence and apparent competence of Defense Department witnesses. Most ask as few questions as possible in order to hide their unfamiliarity with advanced technological and financial operations. When questions are prepared for them by their staffs, they often have trouble understanding the questions they find themselves reading and the answers they receive. Called upon to evaluate issues beyond their comprehension, they rely on their superficial impressions of Pentagon witnesses, the advice of military and industry lobbyists, and the recommendations of their staffs (7:126).

Where the technology is sufficiently advanced and the committee staff is obviously competent, it is only natural for the committee members to defer to the staff to do the actual questioning of witnesses. The recent addition of two technically competent staff members to the House Armed Services Committee has permitted that committee to spend a greater portion of its hearings delving into technical issues. During the past two years, for example, the R&D Subcommittee has focused considerable attention on the

technology associated with a new seeker for an Air Force air-to-ground missile.

In hearings conducted on the FY 1976 Air Force RDT&E budget request, the only questions asked on the program were asked by a member of the staff. It was apparent from the dialogue with the witness that the staffer did not consider the proposed new seeker to be cost effective. As an alternative to the Air Force program, the staff member suggested a technological approach similar to that used by the Navy in a program that he had previously served as program manager (22:4844).

In their subsequent report, the House Armed Services Committee proposed a reduction of \$34.52 million from the \$48.32 million RDT&E funds requested for the program (23:57). In conference with the Senate (which had approved the full amount requested), the program was restored to a level of only \$30.7 million. Further, engineering development of the proposed new seeker was precluded "... until the Air Force presents to the Committee on Armed Services of the Senate and House of Representatives a plan that delineates the total system cost relative to the increased capability provided by such a seeker" (24:55). Subsequently, the Air Force was advised that the required plan needed only to be presented to the respective committee staff. A plan was eventually briefed, but the staff still was not satisfied.

Hearings by the House R&D Subcommittee the following year followed a similar pattern. The staff probed the details of the program and indicated a lack of conviction on the merits of the program (25:745-751). In the committee report, the program was again cut and concern over increased cost was cited (26:78). The House-Senate conference report that followed noted that the plan submitted by the Air Force was based on "... theoretical predictions without the incorporation of available test experimental data." A new plan was requested (27:41).

Dependency on staff efforts appears to have partially transcended the superficial hearing activity in the House Appropriations Committee. Although the Subcommittee on Defense continues to invite service witnesses to testify on procurement accounts, only the Director of Defense Research and Engineering was invited to testify on the FY 1976 and 1977 DOD RDT&E budget requests which totaled \$9.528 billion and \$10.942 billion, respectively. Hearings with individual service witnesses on the RDT&E requests had been conducted in prior years, but the process has been abandoned due to the tight schedule of the subcommittee. Detailed inquiry into specific line item requests, by service, were left to the staff through legislative channels. Essentially this task was left to a single staff member. A list of more than 350 questions was submitted to the Air Force alone, covering 60 program elements in the FY 1976 RDT&E

budget request. The Air Force replied with written answers to each question. This procedure provided the basis for eventual markup and committee decision on the budget request. A similar procedure was followed for the FY 77 RDT&E budget request.

The role of the staff of the Senate Appropriations Committee is less visible than its counterpart in the House. The current chairman does not permit staff members to take an active part in hearings. Staff work here is limited to the pre-hearing research activity and the preparation of questions for use by the members. During the actual hearings, staff members are seated away from the hearing table, or dais, behind the committee members. This is not to suggest, however, that the staff plays no part in the eventual decision-making process. They do the usual groundwork of research and otherwise preparing the committee members for the hearings and make recommendations during committee markup.

Staff Influence

The activities of committee staff, as previously discussed, strongly suggest that the staff have an inherent potential to influence congressional decisions on weapon systems acquisition. The exercise of influence of course varies, and, for a number of reasons. Patterson notes:

Staff influence varies among congressional committees as a result of differences in staff availability and competence, committee workload, and structural factors in committee organization. At the same time, the potential influence of committee staffs is considerable indeed (18:411).

The increase in staff availability made possible by the Congressional Reorganization Acts of 1946 and 1970 has already been noted. With regard to influence dependency on competence, this too is considerable and growing. Evidence is provided in the example of the House Armed Services Committee which has in recent years hired a number of staff personnel with science and military related backgrounds. The result, as previously noted, is greater attention being paid to the technical details of certain programs.

In the areas of committee workload and committee structure, staff influence is very much dependent on the personality and style of the committee chairman. Fenno, in his paper on the distribution of influence in the House of Representatives, states:

Staff influence varies with the confidence which committee and subcommittee members, and especially their respective chairmen, place in staff abilities and staff judgement. Where the desire to use a staff and confidence exist, staff members constitute a linchpin of internal committee decision-making. When these conditions are not present, it does not make much difference what kind of staff a committee has. Such staff influence as does exist in the House exists here--in the committees (5:66).

Similarly, Huitt comments regarding Senate staff:

... first rate professionals do more than carry out assignments. In the offices of individual senators they learn to think like the boss; they determine to some degree who sees him and what importunities reach him. In the committee rooms they identify the problems and provide the facts and questions. The product of the Senate is to some unmeasured and perhaps immeasurable degree their product. Their influence probably would be very easy to overstate, but it does exist (5:113).

Bernstein notes that staff influence is particularly dominant when a chairman fails to exercise power:

When a chairman is not an informed student of the business of his committee or is not a particularly forceful person his staff director can become a dominant force. The staff director may be able to wield the influence of the committee in dealing with executive agencies and make demands upon the executive branch in the chairman's name (1:107).

The chairmen of the committees having weapon systems acquisition oversight responsibility cannot be accused of lacking forcefulness or of being uninformed. Nevertheless, the growing size of the DOD budget and the increasing complexity of modern technology make it more and more difficult for the individual congressman or senator to digest all the information available. Rieselbach observes, "The more complex the issues, the greater the need of the lawmakers for technical expertise and the greater the opportunity for the staff to press its own views" (19:79).

A number of committee staff members have candidly commented on their ability to influence the legislative process:

(House Armed Services Committee Staffer) I feel that the staff has an enormous impact on the policy output of the committee. It works under the general guidance of the chairman, but has a pretty wide berth. Further, the advice or opinions of the staff is very often sought by agency staff people, and given regularly without consulting the members of the Committee; and it is usually taken (18:410).

(Staffer on committee unrelated to DOD) I like being close to the levers of power. My ideas have influence only to the extent that I can persuade the Senators that they are in the public interest. The staff man can have a lot of influence in these terms. If you know you can't persuade a member to your own policy position, you lay out the alternatives, and you've got to be as objective as you possibly can (18:411).

(Senate Appropriations Committee Staffer) ... I put language in the bill that I don't think anybody else knows is there except myself and the other clerk. But you can only do that in places where the Senator isn't interested. The things he's interested in I just take orders. If he's for it, I'm for it; if he's against it, I'm against it. That's the way you work. In places where he doesn't care one way or another, I'll say to him, "We ought to do this," or "We ought to do that," and he'll let it go in. Last year on this ... item, we increased to two and a half million. I kept telling him to do it and finally he said, "Who wants this put in there?" I said, "I do." I've taken an interest in it and he has confidence in me. I've worked with him for many years and he knows I'm not going to do anything wrong or anything that will hurt him (6:559).

These comments suggest that the influence of a staffer is directly proportional to his interest in the matters at hand and his assertiveness. A different view of influence, however, was taken by a Senate Armed Services Committee staffer:

The job of the staff is to be objective, restrained, and not doctrinaire. The staff is expected to play down individual policy preferences. The more restrained the staff is, the more likely it is to be influential (18:413).

Regardless of how staff influence is viewed, there can be little doubt that it exists -- both in potential and in daily exercise. Nevertheless, such exercise of influence that does take place does so only to the extent that it is permitted by the committee members and especially by the chairman. The staff realizes this limitation and acts accordingly. In his contact with the staff, the program manager must assume that the staff is acting for the committee and with its full consent.

Information as a Source of Influence

The amount of influence possessed by a given staffer is measured to a great extent by the intelligence he is able to obtain. Information is his stock in trade. Information about the programs of the executive branch is the one commodity that equalizes the balance of power between executive agencies and the Congress.

J.L. Freeman, in his book on executive bureau - legislative committee relations, suggests that Congress finds itself in the position of having to make wise decisions among complex policy alternatives and simultaneously protect the interests of constituents, while at the same time it is urged to accede to the greater technical knowledge of the

executive agency (DOD) (8:113). The Congress often finds itself uncomfortable in this position, particularly when DOD critics proclaim charges of waste and mismanagement. It is understandable, then, that committee members often do not trust the information provided by the DOD.

In an attempt to protect its status and independence, Congress turns to its committee staffs to develop the information needed to make decisions. Thus, instead of eliminating dependence on others for information, committee members merely transfer that dependence to the staff (8:111).

But what are the information sources of the staff? Much of the information gathered by the staff comes from the DOD itself and it comes in varied form. The congressional inquiry, for example, is a popular channel for information flow. It is treated by the DOD as a formal request for information and each request is treated with the same degree of importance, whether it comes from a Congressman needing information for either his own education or to reply to a constituent, or whether it comes from a committee staffer. Inquiries are normally handled through legislative liaison offices which have been established in the Pentagon by DOD and each of the military services. In addition, each service maintains a small detachment of liaison personnel located in the office buildings of both the House and Senate. When a request for information is received (usually

by telephone), it is relayed to the office having primary responsibility.

Usually the request is for written material -- a position paper or a fact sheet. Occasionally, however, a briefing is requested and it will be conducted in the office of the staff member. This may involve having the program manager travel to Washington for the briefing.

The number of congressional inquiries sent to the DOD has increased significantly in recent years. In 1974, the DOD received over one million written and telephonic inquiries -- an increase of over 51 percent in a ten-year period (24:28). This figure, however, included requests for information on subjects other than weapon systems acquisition. Of the one million inquiries cited in 1974, approximately 1,200 were directly related to Air Force development and acquisition programs. And of this number, a large proportion were originated by committee staff. Comparable data for other services was not available.

An additional source of important program information is the justification material submitted annually to Congress with the President's budget. This justification material is in the form of several volumes comprised of thousands of pages of detailed program data. The data includes funding requirements, schedules, quantities to be purchased, technical performance parameters, and narrative discussions

of requirements and planned activities. Detailed formats and instructions for this material are contained in the DOD Budget Guidance Manual, DOD 7110-1-M, published by the Office of the Assistant Secretary of Defense (Comptroller). The manual is periodically revised to reflect additional or changed requirements of the respective congressional committees.

Witness statements and hearing transcripts also serve as information to committee staff. Witness statements are required to be submitted several days in advance of hearings so that they may be analyzed by the staff for issues to be raised during the hearings. Statements of service witnesses are reviewed for comparison with previously received DOD policy statements. They are also compared with positions taken by the same witnesses in previous hearings. And finally, they are compared with other information gathered by the staff. Similarly, transcripts of hearings before other committees are reviewed.

Committee staff occasionally take their quest for information directly to the program manager. Certain staff members, for example, make annual trips to military installations for the purpose of gaining first hand information on major acquisition programs. During these visits, the staff members expect to be briefed on program status, problem areas, and anticipated funding needs. Field trips are also taken to contractors' plants where staff members

receive program briefings, talk to engineers and technicians, see and touch the hardware, and witness tests and demonstrations.

Contractors recognize the potential benefits of such visits and actively court individual staff members. The preference of lobbyists for the attention of the staff instead of committee members is summed by one business representative who noted, "The members are busy. They usually don't have the time to listen to a sales pitch. And often it's the staff that really matter anyway." (20:26). Lobbyists are also eager to supply committee staff with information on the products of their competitors (especially damaging information). And often such information will trigger a congressional inquiry requesting an official report from the DOD.

Other outside sources of information include the research services of the Library of Congress, reports of the Government Accounting Office, technical journals and trade magazines, newspaper stories, liaison with other committee staffs, and the inputs of such private organizations as the Brookings Institution. In fact, the wide availability of information to committee staffs has brought about increasing suggestions that staffs be enlarged to handle all the data (5:130 and 10:117-119). A counter argument is that more staff would only create new, more complex problems to compete for the limited attention of

the congressman. At the same time, there is always the danger of creating a legislative bureaucracy that will dilute and color the information gathered by the staff, thereby in effect making the committee a captive of the staff (19:384).

The fact that committee staffs do have access to a wealth of data means that they must pick and choose what data is important enough to be passed on to busy committee members. This requirement for the staff to exercise judgement provides the greatest opportunity to influence, if not actually make, the ultimate congressional decisions affecting weapon system programs. Implications of this reality on program manager - congressional staff relationships are addressed in the final section of this study.

SECTION IV

PROGRAM MANAGER - CONGRESSIONAL STAFF RELATIONSHIPS

It should be clear to the reader at this point that the congressional staffer can be an important force in determining the direction and funding level of a given weapon system program. Where the staff is not convinced of the value of a program, the chances are slim that the program will advance through the congressional approval process without a reduction or redirection. On the other hand, a program which is supported by committee staff stands a good chance of approval even if there is opposition by some committee members. In the latter situation, the staff becomes the system advocate during markup sessions and will defend the merits of the program. It is incumbent on the part of the program manager, then, to take every opportunity to ensure that he communicates total program understanding to the appropriate members of the committee staff.

Based on a series of interviews with legislative professionals in business, industries, associations, and academic groups, John F. Judge has developed a number of observations which can be interpreted as sound advice for the program manager:

- Never underestimate the staff and never bypass the staff.
- Never lie to them.

- Do not sell them a pig in a poke.
- The Member of Congress is more important than any staff member.
- Nothing, but nothing replaces having done your homework.
- Work to get the staff's respect and work to keep it.
- Know the orientation of the staff you are approaching. It will reflect fairly and accurately the orientation of the Committee. It is very difficult to achieve this knowledge of staff orientation by knowing the orientation of the committee. You have to work the other way around. Get to know the staff.
- Be constructive, have all the marbles lined up, know your subject and especially, know that what you are talking about is germane that day (and even at that time) to the business of the staff member.
- The staffs are accessible. They are looking for information, views, insights, and even opinion (authoritative). It's their job and they usually know their job.
- Keep everything on a professional level; be gentlemanly and civil at all times. (12:69).

Some of these observations warrant special comment.

For example, one of the biggest mistakes a program manager can make is to underestimate the staff and try to "go over its head." Writing in the 1969 time period, Bernstein quoted a DOD official who stated that the Department rarely dealt with staff members. Rather, DOD preferred to deal directly with committee members, and especially committee chairmen who were expert in military affairs. "With different chairmen," the official noted, "our position with Congress may change considerably." (1:109). The chairmen of the four principal committees have changed since that writing and the staffs have changed. A more current observation is noted by Aaron Wildavsky:

... a staff man can do great harm to an agency by expressing distrust of its competency or integrity. Asked if they would consider refusing to talk to committee staff, agency officials uniformly declared that this refusal would be tantamount to cutting their own throats.

Thus, the evidence today clearly indicates that the staff should not and can not be bypassed.

The program manager may occasionally be tempted -- not to lie to staffers -- but to withhold the complete story for fear that the additional information might stand in the way of program approval. This, too, could be a serious mistake. As has been discussed earlier, the staffer has a wide variety of information sources. Chances are very good that he already knows about program problems before contacting the program manager. Any attempt to hide information will only lessen the program manager's credibility and the staffer's confidence.

Another aspect to "telling all" that sometimes gives the program manager difficulty is when he is required to defend a budget with which he does not agree. In the process of budget formulation, individual program budgets may be reduced "inhouse" by the service headquarters, OSD, the Office of Management and Budget (OMB), or even the President before the budget is submitted to the Congress. The program manager must recognize that the President's budget submission represents a balance in priorities of total demands on the nation's tax dollars. Therefore,

all witnesses appearing at congressional hearings are advised by OMB Circular A-10 that:

Personal opinions will not be volunteered which reflect positions inconsistent with the program and appropriation requests the President has transmitted to the Congress.

Witnesses are permitted, however, to respond to a direct request for personal opinion with the appropriate caveat:

In expressing personal opinions relating to such program and appropriation requests in response to specific requests therefor, witnesses will refer to the extent, if any, and should make clear that the expression of the opinion is not a request for additional funds.

The program manager who attempts to lobby for additional funds with committee staff outside formal hearings only creates additional problems for his program and the budget as a whole. During committee hearings the program must be defended by DOD and service witnesses other than the program manager and these witnesses are committed to defending the budget as submitted. Issues created by the overzealous program manager will only prove to be embarrassing to the witnesses, thereby bringing discredit to the program. Moreover, any suggestion that the budget as submitted does not reflect actual requirements merely serves to undermine the credibility of the entire budget. That is, if the requirements of one program are not accurately presented, what assurance can the committee have that the remaining programs are accurately addressed?

Knowing the orientation and the needs of committee staff is the full time responsibility of legislative liaison personnel in the Pentagon, and the program manager should work through these channels. Liaison personnel maintain contact with committee staff on a daily basis and have established strong relationships built on trust and mutual confidence. Thus, when information is sought by committee staff from the program manager, the request is usually directed through liaison personnel. On those few occasions when urgency necessitates direct contact between a staffer and the program manager, liaison personnel should be notified as soon as possible to assure that appropriate service headquarters and DOD personnel are alerted to potential congressional issues. Through their frequent contact with committee staff, liaison personnel may also be able to provide a measure of perspective as to what may be behind a specific request for information. This reduction of uncertainty offers greater opportunity for positive communication and less time wasted on tangential issues.

One final comment is appropriate on Mr. Judge's advice to keep everything on a professional level. Contact with committee staff often places the program manager in a defensive role explaining why his program appears to be in trouble or simply justifying the program to an individual who has already voiced opposition. In such situations,

especially when the atmosphere is informal, there is always the temptation to allow emotion to rule or to allow reasonable disagreement to degrade into personal antagonism. Given the respective opportunities to effect the outcome of such confrontations, the message is clear. Be responsive, be forthright, and be professional.

SECTION V

SUMMARY AND CONCLUSIONS

The professional staffer on those congressional committees having oversight responsibility for military weapon system acquisition is a key element in the budget approval process. The staff is becoming more technically competent than it has been in the past and it is growing in size. The increased competence and numbers of individual staff members mean that they are probably going to exhibit more interest in technical and management decisions made by program managers.

The technical competence of committee staff combined with the availability of program information provide a unique opportunity to influence the budget decisions made by the Congress. It would be unwise for any program manager to ignore or underestimate this influence. On the contrary, the program manager should work to earn the confidence and commitment of committee staff just as he would an individual senator or congressman.

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