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HOW CONGRESS CAN GROW ITS FOREIGN POLICY CAPACITY

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INTRODUCTION

President Donald Trump has seemingly upended the U.S. national security establishment in ways perhaps unprecedented in American history. The past 24 months have witnessed the United States withdrawing from the great power agreement over Iran's nuclear program, the public questioning of continued American participation in NATO,¹ the abandonment of the Paris Accords,² the move of the U.S. embassy in Israel from Tel Aviv to Jerusalem,³ an extended détente with North Korean leader Kim Jong Un,⁴ and the president's dissent from the U.S. intelligence community's recent global terrorism threat assessment. Within his first two years in office, President Trump also fired his original secretaries of state and defense, as well as two national security advisors for good measure.

While these events have stunned much of the international policy crowd in Washington, D.C., there is a major "recency bias" at work when interpreting much of what the Trump administration has done.

The current volatility in U.S. foreign policymaking is not novel; it is merely an accentuation of the trends of the past two decades, wherein presidents have tried and failed to

establish a strategic consensus on the nature of global threats to the United States in the post-Soviet Union era.⁵ For its part, Congress has mostly let the executive branch lead on these matters. But with no Soviet menace on which to focus the nation's foreign policy strategy, the result has been ad hoc policy driven by whomever resides in the White House. Under this administration, Trump has shifted U.S. political attention to China, but the move has been roughshod and disorienting. This is perhaps to his tastes, but such methods are unsustainable after his presidency ends.

The good news is that there is a better way. The advisory board structure, which is much used within the executive branch, can be imported into Congress. Doing so would strengthen, incentivize and stabilize legislative engagement in foreign policy, thereby making it a more enduring, cooperative enterprise between the two branches of government.

EXECUTIVE BRANCH FOREIGN POLICYMAKING UNMOORED

It is not that the Bush I, Clinton, Bush II and Obama presidencies did not try to find an enduring framework through which to engage the world. They tried mightily and frequently, but largely failed.

Between the Soviet Union's demise in 1991 and the terrorist attacks in 2001, presidents and Congress created 48 foreign policy commissions, the vast majority of which were tasked with generating ideas and publishing analyses of key U.S. foreign policy issues.⁶ Many other groups and commissions have published similar studies in the past 15 years, but with the exception of 2004's *9/11 Commission Report*, most of the studies have had little impact on America's national security architecture.

Presidential elections naturally disrupt the process. The Obama administration produced myriad documents to signal a U.S. strategic vision, much of which counteracted the previous Bush administration's national security strategy. Examples of this vision were included the *National Security Strategy*, the *Quadrennial Diplomacy and Development Review*, the *Quadrennial Defense Review (QDR)*, and a *Nuclear Posture Review*. Yet, as soon as President Trump arrived in the Oval Office, he also began revising and even discarding his predecessor's work. He downgraded the *QDR* to a national defense strategy, updated the *National Security Strategy* and issued a new national cyber strategy. This is to say nothing of his disruptions of international agreements concerning trade, climate and other issues.

The problems with each president scrambling the nation's foreign policy priorities have been much discussed within the community of diplomats and defense experts. Some observers have flagged the foreign policy strategy documents

themselves as flawed and prone to failure in practice.⁷ Others have pointed to problems of process and cooperation between agencies that share foreign affairs duties as contributing to the failure to erect a stable foreign policy regime.⁸ Yet, across the board, experts have construed the problem as primarily an executive branch issue.

There are truths to these critiques. However, they all miss a larger point: Foreign policy has been volatile for the past two decades because it has been mostly produced by one branch of government. Even when the executive branch has partnered with Congress (e.g., for trade agreements), the executive branch has been given immense discretion to act (e.g., Trump’s use of national security authorities to impose tariffs). Those who empowered the president to direct foreign affairs did so in hopes of insulating matters of war, peace and trade from the vicissitudes of the legislature. For example, the economic damage inflicted by the Smoot-Hawley Act was used as a justification for shifting more authority over trade issues to the executive.⁹ But taking Congress out of the picture has not helped matters; in fact, it has likely made things worse.

That is because contrary to its current reputation, Congress can play a stabilizing role in national security policymaking. History is replete with examples of long-serving senators and House members whose decades in office added consistency to America’s conduct of foreign affairs.¹⁰ Sens. Sam Nunn, John McCain, Barry Goldwater and Henry “Scoop” Jackson, along with Reps. Lee Hamilton and Bill Richardson, all were renowned for their foreign policy expertise and for contributing to America’s foreign policymaking. Indeed, the fact that six out of the 10 U.S. defense secretaries since the end of the Cold War have been former members of Congress disproves the notion that the legislative branch is filled with hopelessly parochial sorts who had best leave foreign policy to presidents.¹¹

CONGRESS’S OFTEN WEAK ENGAGEMENT IN FOREIGN POLICY

Too often, however, Congress has not been as strong of a steadying force as it might be. In part, this is because it has taken on the mindset that the president should lead on foreign affairs. This problem has been many decades in the making.

More than 30 years ago, analyses carried out by the staff of the congressional committee in charge of the most far-reaching U.S. national security reform of the past half-century—the Goldwater-Nichols Act of 1986—bemoaned congressional disinterest in national security priorities: “Congress has tended to trivialize its true charter [...] which is to spell out major strategies and purposes. The Constitution [...] intends for the Congress to establish national strategic priorities and to allocate resources toward those priorities.”¹²

At the time, Congress seemed amenable to that assessment. The staff report’s most significant *executive* reforms—which recommended strengthening civilian authority and improving military advice to the president—were enacted. Yet, Congress excluded from legislation nearly all of the report’s recommendations to reform the way *Congress itself* operates its oversight of national security.¹³

Congress’s tendency to step back from foreign policy is much caused by the fact that, except episodically, the American public is little interested in it. And Congress’s structure—a bicameral entity with 535 members asynchronously elected—makes it difficult for the institution to act collectively in any realm of policy. The difficulty of regular collective action by the legislature was most starkly illuminated by its struggles after the catastrophic September 11 terrorist attacks. Aside from setting up a commission to assess how low-budget terrorists could use simple methods to such horrific effect, Congress largely gave the president a free hand to respond. The 9/11 Commission ultimately recommended three options through which Congress could reform its intelligence oversight: combine intelligence authorization and appropriation authorities under a single committee in each chamber, replace existing committees with a joint committee on intelligence or add an appropriations subcommittee for intelligence. Congress’s response was to make no changes, leaving the structure of congressional oversight of the U.S. intelligence community mostly the same.¹⁴

Things have not always been this way. In the decades following 1945, the United States pursued military, diplomatic and economic policies with remarkable consistency.¹⁵ During this time, the Truman and Eisenhower administrations successfully created a long-term containment strategy that survived 45 years and a half-dozen presidential administrations of both parties. And this was done through an arrangement in which Congress delegated a good portion of its authority over foreign policy to the presidency.¹⁶ But Presidents Truman and Eisenhower had one thing that modern presidents often lack: buy-in from the powerful, long-serving congressional chairmen who led the congressional committees charged with overseeing foreign affairs and defense.

Since the late 1960s, the power-concentrating congressional committee system has eroded, due in great part to changes Congress has made to its internal operations.¹⁷ The Congressional Budget Act of 1974 further undermined executive-legislative branch coordination by shifting power away from authorizing committees—which make policy to direct executive agency actions—and toward the appropriations committees, which mostly concern themselves with spending.¹⁸

The good news is that Congress’s greatly diminished role in stabilizing foreign policy is not irreversible. Finding a path forward begins with improving coordination between the

branches, which can be accomplished by fostering a foreign policy constituency within the legislature.

FOSTERING A FOREIGN POLICY CONSTITUENCY IN CONGRESS

Diminishing congressional power over foreign policy has encouraged legislators to disengage on the subject. And because they are disengaged, they can easily duck accountability and blame the executive branch when matters go awry. Reengaging Congress, then, will require helping legislators feel a sense of individual and collective accountability regarding longer-term strategic foreign policy missions and goals.¹⁹

Congress also lacks the structures that would induce legislative involvement in foreign affairs. The current committee system fragments foreign policy discussions into multiple realms. In the Senate, for example, one group of senators debates homeland security issues, another intelligence, and still others defense and foreign relations. Matters are made more difficult by the fact that committee memberships shift relatively often, thanks to the frequent flipping of partisan control over the chambers.²⁰

That noted, some realism about the capacity of the legislature in the realm of foreign policymaking is warranted. Congressional policy output is almost inevitably the product of pluralistic bargaining; it cannot approach the unity and concision of policy produced by an agency.²¹ Nor can an elected body of individuals from diverse walks of life possess more foreign policy expertise than an executive agency staffed with thousands of professionals who specialize in defense, trade and diplomacy.

On the other hand, thanks in large measure to its pluralism, Congress can serve as a testing ground where poor ideas are discarded and workable ones improved through iterative debate.²² This bargaining process encourages individual legislator buy-in through policy ownership and lends democratic legitimacy to whatever policy is adopted.²³ These rudimentary insights suggest that Congress can and should take steps to deinstitutionalize its tendency to simply draft legislation on national security matters²⁴ and instead focus on interacting with the executive branch in ways that encourage long-term thinking on, and shared consensus about, foreign policy.²⁵

In any event, a new structure is needed to center long-term discussions of foreign policy. Thankfully, the national legislature is not helpless to improve matters. Article I of the Constitution gives Congress plenary authority to arrange its internal structures and fund them as it deems necessary. It should therefore use this authority to improve communications between government branches on foreign policy goals.

A PROPOSED WAY FORWARD

Through resolution, Congress should establish a Joint-Congressional Advisory Planning Board (JCAPB) comprised of senators and House members from both parties. The JCAPB would operate as an advisory body to the National Security Council's (NSC) strategic planning board. The NSC is the principal executive-branch group that coordinates national security and foreign policy throughout the various government agencies. By advising the NSC, the JCAPB would "infuse into the NSC process a domestic political perspective it currently lacks," while making foreign policy more responsive to the public.²⁶

The JCAPB would be modeled on the executive branch's Defense Policy Board Advisory Committee, which is made up of 25 experts and focuses on long-term issues central to strategic planning for the Department of Defense. The NSC's congressional liaison would be dual-hatted as the JCAPB's executive director. The board would meet several times a year and either create planning documents in cooperation with the NSC or do its own research on longer-term needs.

Indirect influence by members of Congress on the NSC's long-term planning currently exists, but giving members of Congress periodic updates at random times on U.S. strategic plans—as it currently does—does not constitute an iterative "whole-government" approach to policy formation. By formalizing the advisory role of Congress in strategic planning, the government could better focus its ample resources on worthwhile long-term objectives and consensus-building in matters of foreign policy.

A positive addition to the advisory board would be the creation of subcommittees on the homeland security, armed services and foreign affairs committees of each chamber of Congress to handle oversight of strategic planning and strategic capacity issues. Two members from each of the six subcommittees would be allowed to participate on the JCAPB, giving the advisory board a membership of 12. These new subcommittees could serve as a foundation for future congressional decisions on U.S. foreign policy, making seats on them coveted positions for ambitious senators and House members to fill.²⁷ Independent of these new subcommittees, both the House and Senate Appropriation committees (where much power in Congress rests) should also either create subcommittees aimed specifically at long-term strategic allocations or add "strategy" as a jurisdiction within the military construction and veterans' affairs subcommittees. These steps would expand lawmakers' role in and responsibility for funding and shaping America's foreign policy goals.

Including members of Congress in advisory discussions with executive-branch bodies would also diminish inter-branch suspicions. Giving legislators input into the creation

of foreign policy would encourage legislative ownership of these policy matters.

CONCLUSION

In the competitive geopolitical environment of the 21st century, filled with rising powers and radical non-state actors, prudence calls for developing a sustainable consensus on national security at a speed faster than the U.S. political system is currently traveling. For the United States to achieve an enduring foreign policy, it must induce more congressional commitment to the endeavor. Expanding the constituency within the legislative branch for long-term national planning has been a missing link in U.S. foreign policy discussions for decades. Over time, a truly iterative process involving both executive- and legislative-branch members could forge a future national security consensus of the kind that characterized America's involvement in the Cold War.

A formalized Joint-Congressional Advisory Planning Board, linked with congressional subcommittees and focused on long-term national security strategy, would thus increase Congress's interest and accountability in long-term foreign policy issues, while restoring foreign affairs to a more whole-government enterprise.

ABOUT THE AUTHOR

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ENDNOTES

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