



**WILEY-
BLACKWELL**



Congress, Foreign Policy, and the New Institutionalism

Author(s): James M. Lindsay

Source: *International Studies Quarterly*, Vol. 38, No. 2 (Jun., 1994), pp. 281-304

Published by: [Blackwell Publishing](#) on behalf of [The International Studies Association](#)

Stable URL: <http://www.jstor.org/stable/2600978>

Accessed: 13/09/2011 04:00

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at
<http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



Blackwell Publishing and The International Studies Association are collaborating with JSTOR to digitize, preserve and extend access to International Studies Quarterly.

<http://www.jstor.org>

Congress, Foreign Policy, and the New Institutionalism

JAMES M. LINDSAY

The University of Iowa

New institutionalists argue that analysts are mistaken to separate process from policy in studying Congress's role in policy making. Rather, Congress changes the structure and procedures of decision making in the executive branch in order to influence the content of policy. Attempts to substantiate this claim have examined procedural changes in domestic affairs. This paper extends the argument by assessing the impact of five procedural changes in the area of defense and foreign policy: the Office of the Director of Operational Test and Evaluation, the legislative veto on arms sales, legislative participation in trade negotiations, the conditions attached to U.S. security assistance, and the reporting requirements imposed on the intelligence community. The five case studies suggest that procedural changes do at times enable Congress to build its preferences into U.S. foreign policy, but the successes are partial rather than total. Procedural changes meet only partial success because of executive branch opposition and the cost of monitoring and punishing noncompliance. The findings point to the need to incorporate more sophisticated assumptions about Congress and the bureaucracy into future research.

Does Congress matter much in the making of U.S. foreign policy? For most scholars the answer is no. On foreign policy legislation, Congress owns a rather slim track record. The Boland amendments and the sanctions against South Africa notwithstanding, the House and Senate remain reluctant to deny a president's foreign policy requests or to pass policies of their own. Even when Congress succeeds in legislating the substance of U.S. foreign policy, the results are often less than meet the eye. Legislation on foreign policy usually delegates tremendous power to the executive branch or contains loopholes that presidents can exploit to override congressional preferences. Thus, while foreign policy debates on Capitol Hill are more fractious than they were twenty-five years ago, most scholars see the debates more as show than substance (see, e.g., Destler, 1986a, 1986b; Destler, Gelb, and Lake, 1984; Koh, 1988, 1990; Hinckley, 1994).

Yet the conventional wisdom on Congress's role in foreign policy is challenged

Author's note: An earlier version of this article was presented at the annual meeting of the American Political Science Association, Washington, D.C., 29 August–2 September 1990. I would like to thank the members of the Department of Political Science at the University of Rochester and the reviewers and editors of *ISQ* for their comments on earlier drafts of this article.

by the so-called new institutionalism (e.g., McCubbins and Schwartz, 1984; Fiorina, 1986; McCubbins, Noll, and Weingast, 1987, 1989; Calvert, McCubbins, and Weingast, 1989). Inspired by the literature on principal-agent relations, new institutionalists argue that traditional studies of Congress have erred in treating policy separately from process. In the view of new institutionalists, the extensive powers that Congress wields over the shape of the decision-making process give it considerable say in what policy will be. As Morris Fiorina (1981:333) puts it, "The Congress controls the bureaucracy, and the Congress gives us the kind of bureaucracy it wants." From the vantage point of the new institutionalism, then, attention to substantive policy legislation is insufficient. Even when Congress delegates authority to executive branch officials it may still structure the decision-making process so that its preferred policies are chosen.

My objectives in this article are twofold. The first is to use the insights of the new institutionalism to provide a better understanding of the role Congress plays in foreign policy. In the two decades following the end of the Vietnam War, Congress changed the structures and procedures of decision making on defense and foreign policy in a host of different ways. To what extent did these procedural innovations succeed? Are some types of procedural innovation more likely to succeed than others? The second objective is to contribute to the debate over the new institutionalism. Until now, new institutionalists have applied their insights largely to domestic policy issues. The rich and varied usage of procedural innovations on foreign policy provides an opportunity to assess both the extent and the limits of the theoretical insights suggested by new institutionalists.

The article begins by outlining the basic argument put forth by new institutionalists and by reviewing the five basic types of procedural innovations found in foreign policy. To assess the relevance of the new institutionalism to our understanding of Congress's role in foreign policy, the article then evaluates the impact of five procedural innovations in the area of defense and foreign affairs: the Office of the Director of Operational Test and Evaluation in the Pentagon, the legislative veto on arms sales, congressional participation in trade negotiations, the conditions attached to U.S. security assistance, and the reporting requirements imposed on the intelligence community. Although the five case studies are not representative in a strict sense—it is by no means clear what a representative sample of procedural innovations would look like—each case represents a different type of procedural innovation and involves a different set of policy issues and agencies. This diversity provides solid ground for speculating both about Congress's influence in foreign policy and about the claims made by new institutionalists.

The findings from the five case studies show that procedural innovations at times do shape the substance of U.S. foreign policy. As new institutionalists argue, the ability to mandate structures and procedures can give members of Congress a way to build their preferences into the policy-making process without having to pass substantive legislation that specifies how the United States will relate to other countries. Still, the success of procedural innovations usually is partial rather than total. In none of the five cases studied here did the procedural innovation totally fulfill its stated aims. Procedural changes meet only partial success because of executive branch opposition and the cost of monitoring and punishing noncompliance. Even when members of Congress want to make a procedural innovation work, they may find their efforts stymied by administration obstructionism, by the secrecy that cloaks much of the work of the foreign policy bureaucracy, or by the difficulties they face in punishing agencies that refuse to comply with the intent of an innovation.

The findings presented here suggest two general lessons for future research. First, studies of Congress's role in foreign policy need to pay more attention to

how members of Congress use procedural innovations to build their policy preferences into the policy-making process. By emphasizing Congress's meager track record on substantive legislation while neglecting its successes with procedural innovations, scholars have underestimated the extent of congressional influence in foreign policy.

Second, the findings presented here point to the need for future research on procedural innovations to incorporate more sophisticated assumptions about the behavior of Congress and the executive branch. Of particular importance to the study of foreign policy are the monitoring costs and punishment costs that attend any procedural innovation. New institutionalists typically assume that procedural innovations are designed to force agencies to make their activities public, which thereby allows Congress to shift much of the cost of monitoring the actions of government agencies onto other groups. Although this assumption is appropriate for domestic policy, it is less appropriate for foreign policy, where there frequently is an unquestionable need to keep agency decisions secret. Likewise, although many new institutionalists recognize that the threat of punishment is essential to the success of procedural innovations, the cost of punishment tends to be higher for foreign policy than domestic policy because the courts are much more willing to defer to executive discretion in foreign affairs. Because Congress often faces substantially higher monitoring and punishment costs when it comes to foreign policy, procedural innovations in foreign policy are, all other things being equal, less likely to succeed than are their counterparts in domestic policy.

New Institutionalism and Procedural Change

New institutionalists like to point out that the need to win reelection dampens the incentives members of Congress have to pursue substantive policies. Law-making is time-consuming. Major legislative initiatives often take years to reach the floor, and even then a presidential veto and the opposition of thirty-four senators can kill the bill. Even if legislators successfully steer a bill through Congress, the effort may have no electoral payoff. Constituents may not know about the bill, may not care, or, perhaps worse, may dislike it. The pursuit of substantive policy legislation also entails opportunity costs. The time spent building a winning coalition is time not spent in the district, on constituent services, or holding fund-raisers. In all, many members may judge the crafting of substantive legislation to be electorally unprofitable.

Electoral incentives also can discourage members from proactive, systematic reviews of agency behavior, or what is called "police-patrol" oversight (McCubbins and Schwartz, 1984; for a dissent see Aberbach, 1987, 1990). Overseeing the executive branch is a daunting task. Most of the time agencies comply with the intent of Congress, so oversight may not uncover abuses, leaving members little to show for their efforts. Where a problem does exist, legislators might find it difficult to uncover. Bureaucracies are notorious for being reluctant to provide evidence of their failures. Even when oversight uncovers noncompliance, the result may not help legislators win reelection. The violation probably would not harm, or interest, constituents; hence, there is no opportunity to garner credit with voters. Nor is punishing an agency an easy task. The necessary corrective may be opposed by powerful interests in Congress or the White House, and the agency might retaliate.

Members of Congress, then, find themselves caught in a dilemma: influencing agency behavior is difficult and often electorally unrewarding, yet voters hold them accountable for how well the government performs. Legislators cannot

resolve the dilemma by taking on the work of the bureaucracy; delegation of authority is inescapable in modern government. How, then, do members square the need to ensure agency compliance with their own desire to win reelection? New institutionalists contend that the answer lies in structuring decision making in the executive branch in ways that promote executive compliance with legislative intent. "Alterations in procedures will change the expected policy outcomes of administrative agencies by affecting the relative influence of people who are affected by the policy. Moreover, because policy is controlled by participants in administrative processes, political officials can use procedures to control policy without bearing costs themselves, or even having to know what policy is likely to emerge" (McCubbins et al., 1987:254).

Procedural changes, then, constitute labor-saving devices. They can obviate the need for substantive legislation or police-patrol oversight by ensuring that congressional preferences are built into executive branch decisions. Innovations can shift the burden of monitoring agency behavior onto the executive branch (e.g., offices of the inspector general) or onto interested private groups (e.g., private sector advisory groups). And procedural changes can enable affected groups to seek remedies from the agency, the courts, or Congress itself. With procedural changes of these sorts Congress effectively creates a system of "fire-alarm" oversight that alerts members to the issues of concern to constituents (McCubbins and Schwartz, 1984). This enables legislators to focus on issues that matter to voters, and that thus are more electorally profitable. The labor-saving character of procedural changes also means that a successful innovation can occur alongside a decline in traditional indicators of legislative activity (e.g., bills introduced, hearings, committee reports).

In recognizing that procedural innovations appeal to legislators, new institutionalists do not claim that all changes in structure and process seek to influence policy. Legislators at times may see procedural changes as an end in themselves (see Mashaw, 1983, 1985). There can be a psychic utility in seeing that decision making is perceived as being fair. Legislators can also alter decision-making structures and procedures to protect themselves from constituent wrath (Fiorina, 1986; Weaver, 1986). Yet, innovations probably aren't used very often solely to "pass the buck" to the bureaucracy. If constituents are intelligent and forward-looking (as most new institutionalists assume), they will see through blame avoidance strategies, and the incentive to use the innovation will evaporate (Horn and Shepsle, 1989:505). Conversely, if constituents are ignorant of congressional actions, then legislators do not need the protection the innovation affords.

It also should be said that while analytical convenience leads many new institutionalists to build models of legislative behavior based on the assumption that legislators are single-minded seekers of reelection, that assumption is by no means critical. As new institutionalists themselves recognize, members who want to make good public policy also have reason to prefer procedural changes and fire-alarm oversight to substantive policy legislation and police-patrol oversight (see, e.g., McCubbins and Schwartz, 1984:167). Because procedural changes are often seen as neutral, members find it easier to build a winning coalition around a procedural change than around a substantive policy change. Legislators also know that "an ounce of prevention is worth a pound of cure." Policy battles are most easily won if the disputed policy can be strangled in the cradle. And policy-oriented legislators also have an incentive to shift the burden for monitoring the behavior of agencies to other groups: it frees them to work on other issues. As a result, the argument that new institutionalists make about the power of procedural innovations holds regardless of whether one believes members of

Congress are single-minded seekers of reelection, dedicated public servants, or some mix of the two.

Congressional Dominance, Control, and Influence

How successful are procedural innovations in changing the behavior of the executive branch? Here new institutionalists disagree among themselves. The strongest position has been staked out by the “congressional dominance” school (e.g., McCubbins et al., 1987, 1989). As the name suggests, proponents of congressional dominance argue that Congress controls agency behavior. As Terry Moe (1987) observes, however, what is meant by control is usually left undefined. Control may mean a constraint on agency behavior—Congress tells the bureaucracy what *not* to do. While some works in the congressional dominance school use control in this negative sense (e.g., Calvert et al., 1989), most seem to use control to mean that Congress tells agencies what *to* do. Fiorina’s claim (“Congress gives us the kind of bureaucracy it wants”) suggests the stronger, positive sense of congressional control.

As Moe argues, the use of control in the positive sense is problematic. It implies that bureaucracies are empty vessels that simply follow congressional dictates, a tenuous assumption given what we know about executive branch behavior. Worse yet, the assumption of a passive bureaucracy renders any effort to assess the impact of changes in structure and process an exercise in non-falsifiability. If a procedural change alters agency behavior, we have evidence of congressional control. If an innovation fails to change agency behavior, we still have evidence of congressional control since Congress never intended for the reform to work (“Congress gives us the kind of bureaucracy it wants”).

Because the meaning of the term *control* is open to multiple interpretations, the remainder of this article speaks of congressional influence rather than congressional control. Members clearly have incentives to change policy. Procedural changes can push agencies away from some behaviors and toward others. But success is not guaranteed. The executive branch will try to nullify reforms it opposes. On some occasions a procedural change may give Congress great influence over foreign policy, in other situations moderate influence, and in still others no influence. The task then is twofold: to identify the conditions under and degree to which procedural changes succeed in achieving their stated aims, and to identify the strategies that presidents and agencies use to defeat the intent of legislated changes in the structure and process of government.

Procedural Changes and Foreign Policy

In arguing that Congress uses procedures to influence policy, new institutionalists largely ignore foreign policy. This neglect persists even though Congress enacted numerous procedural changes on foreign policy in the 1970s and 1980s and though foreign policy offers to test the limits of the claim that procedure shapes policy. Because conventional wisdom minimizes Congress’s role in foreign policy, evidence that procedural innovations enable Congress to influence foreign policy would add substantial support to the arguments of the new institutionalists.

The procedural changes Congress imposes on decision making in foreign policy fall into five major categories. The first type of procedural change creates new institutions inside the executive branch that will be more sympathetic to

the preferences of Congress. Here Congress proceeds from a simple assumption about bureaucratic life: policies that don't have champions in the bureaucracy are doomed. In recent years Congress has created the Special Operations Command and the post of Undersecretary of Defense for Acquisition to remedy perceived deficiencies in the Department of Defense (DoD), established an independent inspector general's office at the Central Intelligence Agency (CIA) to help prevent a repeat of the Iran-contra affair, and directed the State Department to open a new bureau for South Asia as part of an effort to see that the United States gives greater emphasis to the Indian subcontinent.

A second type of procedural innovation is the legislative veto (see Gibson, 1992). All legislative vetoes share the same basic *quid pro quo*: Congress delegates authority to the executive branch to act but reserves the right to veto executive branch decisions by passing a simple (one-house) or concurrent (two-house) resolution, neither of which is subject to a presidential veto. The Supreme Court's 1983 ruling in *I.N.S. v. Chadha*, however, sharply limited the use of simple and concurrent resolutions as legislative vetoes. Congress responded to *Chadha* in many instances by adding "report-and-wait" requirements to the law. These requirements stipulate that a policy may not go into effect for some specified period of time (usually thirty or forty-five days) after Congress is informed of the decision. In the interim, Congress may block the policy by passing a joint resolution. The shift to a joint resolution benefits the president since it is subject to a presidential veto. The Supreme Court, however, did not entirely forbid legislative vetoes. So long as they affect congressional procedure rather than policy, legislative vetoes pass constitutional muster (Franck and Bob, 1985:942-944). The Omnibus Trade and Competitiveness Act of 1988, for instance, allows the president to extend the fast-track procedure for considering trade agreements as long as neither chamber adopts a resolution of disapproval within ninety days of his request for an extension. President Bush invoked the provision in March 1991 when he extended for two years the fast-track procedure for considering any agreement that emerges from the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

A third type of procedural innovation enfranchises new groups into the decision-making process. Underlying this innovation is the belief that the newly enfranchised groups will push policy in the direction Congress prefers. Sometimes the newly enfranchised groups are existing agencies or private groups that share the preferences of Congress. In 1988, Congress required DoD to solicit recommendations from the Commerce Department when negotiating agreements with foreign governments on the production of defense equipment, and the Trade Act of 1974 created private sector advisory groups to advise the executive branch during trade talks. Members also legislate themselves into decision making. Congress has mandated a formal process of executive-legislative consultations for drug policy and for monitoring the Helsinki Accord (Galey, 1985; Meyer, 1988).

A fourth type of procedural innovation involves specifying new procedures for the executive branch to follow. The premise here is that the new procedures will produce decisions more to Congress's liking. Some procedures impose rules the executive branch must follow. For example, the Omnibus Trade and Competitiveness Act of 1988 broadened the definition of unfair trade practices and terminated the International Trade Commission's discretion to investigate claims of dumping. The changes were designed to make it easier for injured groups to claim relief (Nivola, 1990:235-239; O'Halloran, 1990:13-14; King, 1991:255-257). Other procedural requirements provide for conditional authorizations. Here, Congress allows the executive branch to proceed as it sees fit so long as certain conditions are met. Conditional authorizations are popular on

human rights policy. The Jackson-Vanik Amendment, for example, barred the president from granting most-favored-nation status to non-market countries that deny their citizens the right to emigrate (Korn, 1992). Likewise, in 1981, Congress conditioned arms sales to Chile on presidential certification that Chile had taken steps to bring the murderers of Orlando Letelier to justice (Forsythe, 1989:104).

The last major type of procedural innovation is the reporting requirement. As a general rule, reporting requirements are designed to keep Congress abreast of executive branch behavior and thereby give members of Congress the opportunity to mobilize against policies they dislike. Current statutes contain roughly 600 requirements for routine reports on foreign policy (Collier, 1988:75), and in the 1980s Congress requested on average 500 reports each year from DoD (Lindsay, 1988:61). Reporting requirements come in three variants (U.S. Congress, House, 1988, 1989b). *Notification provisions* require the executive branch to inform Congress of agency actions or decisions. The War Powers Resolution, for example, requires presidents to notify Congress when they send U.S. troops into situations of imminent hostilities and when they substantially enlarge the number of U.S. troops stationed overseas. *Periodic reports* require the executive branch to report the status of programs at specified time intervals (e.g., quarterly, semi-annually, annually) or at certain milestones in the life of the program (e.g., end of basic research, completion of developmental testing). For instance, since 1978 Congress has required the State Department to report every sixty days on the progress of efforts to resolve the Cyprus dispute, and since 1975 Congress has required DoD to submit annual arms control impact statements for major weapons programs. *One-time reports* are requests for studies of specific issues. In recent years such one-time reports have covered topics as diverse as the help available for civilians left jobless by the closing of military bases, the effect of burning oil on U.S. troops in the Persian Gulf, and the status of any military cooperation between the U.S.-aided resistance in Cambodia and the Khmer Rouge (Fessler, 1991b).

How successful are procedural innovations in shaping foreign policy? The ideal way to answer the question is to study the universe of innovations or some representative sample. In practice, this strategy is impossible. Not only has Congress enacted a myriad of different procedural innovations, which makes the set of possible cases enormous, the innovations cover matters large and small, which makes it difficult to determine what constitutes a representative sample. An alternative strategy, and one favored by many new institutionalists, is to study a specific procedural change in the hope of gleaning more general lessons. But the single case study strategy raises well-known difficulties with generalizability.

Faced with these problems, I pursue a compromise strategy. The pages that follow explore five major procedural reforms: the Office of the Director of Operational Test and Evaluation, the legislative veto on arms sales, legislative participation in trade negotiations, the conditions attached to U.S. security assistance, and the reporting requirements imposed on the intelligence community. Each case represents one of the five major types of procedural innovations, and each case involves a different set of policy issues and foreign policy agencies. Although not strictly representative, the diversity of the cases provides some basis for speculating both about Congress's influence in foreign policy and about the claims made by the new institutionalists.

Of course, assessing congressional influence is difficult. Two particular problems present themselves here. The first is determining what goals an innovation is designed to achieve. Because legislators may be more interested in blame avoidance than in affecting policy, the stated aims of an innovation may not be

what its sponsors or supporters hoped to achieve. But given the difficulty of determining the motives of individual members, let alone the motives of the institution, it is more reasonable to accept the public rationale for an innovation than to risk the *post hoc, ergo propter hoc* fallacy by inferring the legislative intent from the history of the bill's implementation.

The second problem lies in determining when procedural innovations succeed in giving Congress influence over foreign policy. Many factors besides congressional pressure affect executive branch decision making, and these other factors may produce significant policy changes. For the purposes of this paper, then, a procedural innovation is deemed successful to the extent that the administration has changed its policy to comply with congressional preferences *and* no other factor can account for the policy change.

The Office of the Director of Operational Test and Evaluation

In 1983, Congress passed legislation creating an independent Office of the Director of Operational Test and Evaluation (DOT&E) in the Pentagon. The legislation, which passed overwhelmingly in both the House and Senate, came on the heels of highly publicized charges that DoD had failed to subject weapons systems to realistic operational tests and that the services had manipulated test results to put weapons systems in a favorable light. Congress assigned the new testing office four distinct tasks: (1) to prescribe policies and procedures for DoD on operational testing; (2) to advise the Secretary of Defense on relevant budgetary matters; (3) to review all service plans for operational testing; and, by far the most important, (4) to evaluate the adequacy of operational testing of individual weapons systems. To give DOT&E clout in its inevitable battles with the services, Congress stipulated that DoD could not proceed beyond low-rate initial production of a weapons system until DOT&E had reported to both Congress and the Secretary of Defense. Congress also sought to enhance the clout of DOT&E by stipulating that its Director would report directly to the Secretary of Defense rather than to other DoD officials. And, leery that career military officials would be vulnerable to pressure from their parent services, Congress directed that the Director of DOT&E be a civilian appointee (U.S. Congress, House, 1983; Gordon, 1984a).

Despite overwhelming congressional support for better operational testing—or perhaps because of it—DOT&E got off to a shaky start in the Pentagon. Senior DoD officials had opposed the legislation creating DOT&E, arguing that an independent testing office was unnecessary. Having failed to stop the testing office at the proposal stage, DoD officials sought to derail it at the implementation stage by defining operational testing so narrowly that DOT&E would have a limited role in weapons acquisition (Gordon, 1984a, 1984b). DOT&E's advocates on Capitol Hill eventually forced DoD to relent. Proponents of DOT&E met with much less success, however, in convincing the Pentagon to embrace the test office. It took until the spring of 1985, eighteen months after Congress created DOT&E, for the Secretary of Defense to appoint a Director, and the appointment came only after Congress conditioned appropriation of \$40 million for developmental testing (which is handled by a different office in DoD) on the selection of a Director of DOT&E (Gordon, 1984a). Even then, the first several Directors of DOT&E hardly fit the profile of the “junkyard dog” that many in Congress envisioned when they created the post. John Krings, the first Director of DOT&E, sparked particular anger on Capitol Hill. An Air Force veteran who had test-flown aircraft for McDonnell Douglas for thirty years, Krings

saw his job as working with the services “and not to catch them when they’re wrong” (quoted in Morrison, 1987:943).

In August 1985 the testing office seemed to fulfill the hopes of its sponsors when DoD canceled the Sgt. York Division Air Defense (DIVAD) gun. Only three days before the decision was announced, DOT&E had criticized DIVAD for its poor test performances. It turned out, however, that pressure to cancel DIVAD had come from other agencies within DoD; DOT&E took a tough stance only when it became clear the program would be canceled. Congressional disappointment with DOT&E grew further in February 1986 when the testing office signed off on a Pentagon decision to move the Advanced Medium-Range Air-to-Air Missile (AMRAAM) into production even though half of the test missiles had malfunctioned severely enough to warrant being returned to the manufacturer (Morrison, 1986). Then in early 1987, legislators learned that DOT&E had glossed over problems with the avionic systems of the B-1B in its reports to Congress. The Director of DOT&E later explained why the \$3-billion problem with the avionic systems merited only five lines in the middle of a 145-page report: “What the hell are you going to tell them [members of Congress] for? There would have been a hell of a lot of hullabaloo. Do you think by telling them they would have been more understanding?” (quoted in Gross, 1987:8).

The DIVAD, AMRAAM, and B-1B episodes led Congress to ask the General Accounting Office (GAO) to study the work of DOT&E. GAO’s findings confirmed legislative fears. In March 1987, GAO reported that DOT&E officials had witnessed few operational tests firsthand and that “DOT&E’s analysis of operational tests is primarily based on military service test reports with little assessment of actual test reports” (U.S. General Accounting Office, 1987:2). A July 1988 GAO report reviewed six weapons programs and concluded that “operational test and evaluation under DOT&E oversight has fallen short of the objectives sought by the Congress when it established the office” (U.S. General Accounting Office, 1988:2). Among other shortcomings, GAO cited DOT&E for using shoddy test methodologies, failing to keep adequate records, and providing Congress with incomplete and inaccurate information. A May 1990 GAO report concluded that DOT&E “has made little progress in assuring that earlier OT&E [operational test and evaluation] is planned and conducted. The military services generally are not conducting or planning to conduct OT&E until after production start-up” (U.S. General Accounting Office, 1990a:2).

If DOT&E has not lived up to the expectations of its supporters on Capitol Hill, it has not been a total failure. DOT&E has convinced the services to improve their test planning, although it has not convinced the services to initiate operational testing before low-rate initial production begins (U.S. General Accounting Office, 1987). The improvements in test planning have influenced the conduct of tests. In its July 1988 study GAO found evidence of a discernible DOT&E impact in four of the six weapons systems examined. DOT&E also has enlarged its professional staff despite a decline in defense spending. Whereas DOT&E had only sixteen professional staff members in 1987, in 1991 the number stood at thirty-six (U.S. General Accounting Office, 1987; Gottschalk, 1991). Still, none of these successes can obscure the fact that DOT&E has largely failed in its main mission of improving operational testing.

Arms Sales and the Legislative Veto

In the 1960s, U.S. weapons exports grew dramatically. Concerned that arms sales had become a major policy tool that lay beyond congressional control,

Congress passed several laws designed to give itself a say in arms sales policy (see, e.g., Sciarra, 1988; Warburg, 1989; Congressional Quarterly, 1990; Gibson, 1992). In 1976 the various statutes were incorporated into the Arms Export and Control Act. The provisions stipulated that the president must notify Congress of all major arms sales proposals and that Congress could block any sale by passing a concurrent resolution within thirty days of the notification. The law further provided that the president could waive the thirty-day notice, and thereby skirt Congress, by invoking national security reasons. Presidents have invoked the waiver only twice (Kegley and Wittkopf, 1991:415).

Congress has never vetoed an arms sale. The first major effort to invoke the legislative veto against an arms sale package came in 1981 when the Reagan administration proposed selling five AWACS aircraft to Saudi Arabia. The House voted to halt the sale, but the Senate fell three votes short of blocking the plan. When the Supreme Court ruled in 1983 that legislative vetoes are unconstitutional in most instances, Congress replaced the legislative veto provision in the Arms Export and Control Act with a report-and-wait requirement. The president still must notify Congress of all major arms sales, and Congress has thirty days to pass a joint resolution denying the sale. Even with the changes mandated by *Chadha*, the legislation governing arms sales did not become a dead letter. In 1986, Congress came within one vote of overriding a presidential veto of a resolution denying an arms sale to Saudi Arabia. The Reagan administration won a narrow victory even though it deleted the most controversial weapons from the package and though it sliced the dollar value of the original proposal by two-thirds (Crabb and Holt, 1989:118).

Although Congress has never vetoed an arms sale, it does have a say in U.S. arms sales policy. As the evolution of the 1986 arms package to Saudi Arabia illustrates, Congress exercises its influence mostly through "anticipated reactions" (Friedrich, 1941:589–591). Examples abound of administrations withdrawing or modifying proposals to forestall congressional opposition. Ford and Carter modified several arms packages to blunt criticism on Capitol Hill (Gilmour and Craig, 1984:375–376). Three times between 1983 and 1985 the Reagan administration proposed selling arms to Jordan, and all three times it withdrew the proposal because it judged the package would not pass muster in Congress (Congressional Quarterly, 1990a:79–80). In 1987 the Reagan administration withdrew a proposal to sell arms to Saudi Arabia. The deal was subsequently approved, but only after the administration deleted the most contentious items (Kegley and Wittkopf, 1991:416). Following the Iraqi invasion of Kuwait the Bush administration postponed another plan to sell weapons to Saudi Arabia (Stanfield, 1991:79). Without the report-and-wait requirement and the prospect of a legislative veto (however remote), many of these arms deals would have proceeded.

But is Congress's influence over arms sales real? After all, presidents might pad their initial proposals anticipating the need to scale down the package to placate opponents on Capitol Hill. Yet the intensity of White House lobbying on arms sales, the extensive revisions made to many proposals, and the fact that public decisions to revamp arms deals strain relations with the client state all suggest that the changes Congress forces in arms packages are real and not merely the product of executive branch gamesmanship.

What of the fact that Congress routinely approves arms sales to countries outside the Arab world? Does this mean that the legislation on arms sales is irrelevant? Domestic politics clearly figures in Congress's opposition to arms sales to Jordan and Saudi Arabia. Yet self-interested behavior does not disqualify the reality of congressional influence, nor should it obscure the fact that the bulk of American arms sales are to the Middle East. Moreover, Congress's quiescence on arms sales to other regions is no more evidence of congressional deference

to the president than it is evidence of presidential deference to Congress. The silence of Congress on arms sales outside the Middle East more than likely signifies congressional agreement with the president.

Legislative Participation in Trade Negotiations

The Trade Act of 1974 created a formal role for members of Congress in international trade talks. The Act stipulates that at the beginning of each session of Congress five members of the Senate Finance Committee and five members of the House Ways and Means Committee be designated official congressional advisers to U.S. trade negotiations. The congressional advisers are entitled to consult regularly with U.S. negotiators and to participate directly in trade talks. Committee staff also are entitled to monitor the talks and to attend negotiating sessions. To remedy potential informational imbalances between the executive and Congress, the Act further directs the administration to keep the Senate Finance Committee and the House Ways and Means Committee "currently informed" on the status of trade talks. Official legislative participation in trade negotiations is now standard practice, having occurred in the Tokyo Round of GATT, the U.S.–Canada Free Trade Pact, the North American Free Trade Agreement, and the Uruguay Round of GATT negotiations.

The designation of official congressional advisers to trade talks is part of a series of provisions embedded in the Trade Act of 1974 for the purpose of increasing congressional influence over the content of trade agreements. Although the Constitution vests in Congress the power "to regulate Commerce with foreign Nations," the Smoot-Hawley debacle persuaded Congress to delegate authority for negotiating tariff adjustments to the president. The preference for delegating authority to the president persisted into the 1960s and culminated in the substantial tariff reductions of the Kennedy Round. But the agreements reached at the Kennedy Round also stirred complaints in Congress that presidents were too willing to sacrifice domestic economic interests for the sake of diplomatic objectives. Congress's ire was reflected in its repudiation of two agreements negotiated during the Kennedy Round that would have reduced non-tariff barriers (O'Halloran, 1993).

Does designating members of Congress as trade advisers mean that trade agreements better reflect congressional preferences? To judge by the conventional wisdom on who matters in U.S. trade policy, the answer is no. Although no extended research has been done on the work of the congressional negotiators, most of the major studies of U.S. trade policy minimize Congress's role as a player (see, e.g., Destler, 1986a, 1986b; Goldstein, 1988; Haggard, 1988). As evidence that Congress has little say in the content of trade agreements, studies typically point to the lopsided votes on the legislation that implements trade agreements. The Senate approved the implementing legislation for the Tokyo Round, for example, by a vote of 90 to 4, and the House approved the legislation by a vote of 395 to 7.

As appealing as the conventional wisdom may be, it suffers several flaws. One is that floor votes say nothing about the balance of power between Congress and the president. The implementing agreements for the Tokyo Round may have passed overwhelmingly either because Congress deferred to the president or because the agreements reflected congressional preferences. A second problem is that if, as I. M. Destler (1986b) suggests, the Trade Act of 1974 and subsequent trade legislation function merely to insulate Congress from blame and not to influence policy, then why don't interest groups see through the ruse? And, if protectionist sentiment increased substantially in the United States in the 1970s,

as virtually everyone agrees, why did the Tokyo Round elicit less controversy than did agreements reached during the Kennedy Round?

Doubt about the conventional wisdom does not establish that congressional negotiators influenced trade agreements. Recent trade negotiations provide such evidence. During the Tokyo Round, the Carter administration took the congressional advisers seriously. The administration gave them and their staff access to all cable traffic with the trade delegation. Administration officials also listened to Congress. Robert Strauss (1987:vii) writes: "During my tenure as Special Trade Representative, I spent as much time negotiating with domestic constituents (both industry and labor) and members of the U.S. Congress as I did negotiating with our foreign trading partners." Other participants say, "The dialogue between Congress and the administration left the trade negotiators with a clear idea of the political parameters within which they were working" (Cassidy, 1981:273; see also Twiggs, 1987:107–108).

The behavior of Congress during and after the Tokyo Round also suggests that legislative participation influenced the content of the final agreement. Several of the congressional negotiators were involved in the nitty-gritty of the negotiations (Twiggs, 1987:107). Despite increased protectionist sentiment, Congress made the administration renegotiate only one of the agreements reached at the Tokyo Round (and a minor one at that). Many members singled out the quality of legislative-executive consultations as the main reason why Congress approved the implementing legislation for the Tokyo Round (U.S. Congress, House, 1980:137; Twiggs, 1987:30–31; Gorlin, 1990:69–70). Tangible evidence of congressional satisfaction with the process came when Congress extended the procedures prescribed in the 1974 Act for eight more years.

Congressional involvement in the talks on the U.S.–Canada Free Trade Agreement had more mixed results. When negotiations stalled in late 1986, a meeting between Canadian negotiators and congressional negotiators revived the talks (*Congressional Record*, 1988:S12783; U.S. Congress, Senate, 1988:5). When negotiations faltered again in 1987, "congressional suggestions to the negotiators helped to break the impasse, and agreement [in principle] was reached" (U.S. Congress, House, 1989a:102). Even with these successes, many legislators later complained that the Reagan administration had failed to consult Congress adequately during the final phase of the negotiations. Congress retaliated by forcing the administration to give it an extra six months to review and shape the implementing legislation for the agreement. Congress also sought to ensure greater executive-legislative consultations in the future by inserting language in the Omnibus Trade and Competitiveness Act of 1988 that broadened the role of the congressional advisers and imposed substantially greater reporting requirements on the executive branch (Gorlin, 1990:67).

None of the foregoing proves that congressional participation affects the course of trade talks. Administration officials might exaggerate the role of Congress to placate legislators and members might praise the process because it insulates them from blame. On balance, though, participation does appear to give legislators influence over trade agreements. That is not to say that Congress makes trade policy—congressional participation appears to tell the administration (and America's negotiating partners) which proposals to avoid rather than which ones to make.

Human Rights and Section 502B

In a bid to give human rights greater prominence in U.S. foreign policy, Congress amended Section 502B of the Foreign Assistance Act on several occasions

in the 1970s to stipulate that U.S. security assistance should be linked to the human rights practices of recipient countries (see Cohen, 1982). Today Section 502B holds that "no security assistance may be provided to any country the government of which engages in a consistent pattern of gross violations of internationally recognized human rights" (quoted in Forsythe, 1987:383). The statute also bars the export of crime control equipment to gross violators of human rights. The only exception to the blanket prohibition is a provision that allows the president to waive Section 502B under "extraordinary circumstances." To ensure compliance with Section 502B, the Secretary of State is required to report to Congress each year on the human rights records of aid recipients. By simple resolution the House and Senate, as well as the Foreign Affairs Committee and the Foreign Relations Committee, may require the State Department to provide additional information on individual countries. If the Secretary of State fails to provide the required information within thirty days, the aid is automatically terminated. Congress may also limit or halt security assistance by passing a joint resolution to that effect.

The impact of Section 502B on U.S. policy is mixed. Neither the Carter nor Reagan administration ever declared any country to be a gross violator of human rights, though a half-dozen or so states (e.g., El Salvador, Guatemala, Indonesia) seemed to fit the bill. Nor did Carter or Reagan ever invoke the extraordinary circumstances provision to exempt a country from the reach of Section 502B. If anything, both presidents saw the statute as impeding diplomacy. "According to several State Department officials and documents, neither the Carter nor Reagan Administrations wished to publicly label any country as a consistent and gross violator of human rights because it would be too difficult to clear a country of such a label once given" (U.S. General Accounting Office, 1986:3-4).

The similarities in the approaches the Carter and Reagan administrations took to observing the letter of Section 502B disappear when it comes to the spirit of the law. Section 502B had some influence on the Carter administration's decisions on security assistance (Cohen, 1982:35; Forsythe, 1987:383; Broder and Lambek, 1988:124). Despite its public rhetoric on human rights, the administration's compliance with the essence of Section 502B was far from complete. Indonesia, for instance, continued to receive security assistance despite ample evidence of its human rights abuses in East Timor. Yet the fear that Congress would enact country-specific legislation if Section 502B were ignored entirely apparently convinced the administration to terminate security assistance to Argentina, Bolivia, El Salvador, Guatemala, Haiti, Nicaragua, Paraguay, and Uruguay. The Carter administration also barred the export of crime control equipment to several countries, including Iran and the Soviet Union.

The record of the 1980s is another story. The Reagan administration refused to link security assistance to human rights practices. It also manipulated export-control regulations to circumvent Section 502B's ban on the private sale of defense items to gross violators. In 1981, for example, the administration approved the sale of military cargo trucks to Guatemala a week after the trucks had been removed from the list of controlled exports (Broder and Lambek, 1988:130). The administration's contempt for Section 502B was reflected in congressional behavior; as the 1980s wore on, legislators who wanted security assistance conditioned on human rights turned their efforts toward enacting country-specific legislation (Forsythe, 1987:385; Broder and Lambek, 1988:132-143).

Despite its disdain for the core provisions of Section 502B, the Reagan administration did implement the provisions regarding the export of crime control equipment. In fact, "interviews toward the end of the first Reagan administration

indicated that in a given year Reagan's people at the State Department blocked more crime control equipment in the name of human rights than Carter's staff' (Forsythe, 1987:386). On several occasions where the State Department approved the export of crime control equipment to countries that practiced torture, as happened with both South Africa and South Korea, news coverage of the violations of Section 502B combined with congressional pressure led the administration to rescind its approval (Forsythe, 1987:386).

Reporting Requirements and Covert Operations

With the passage of the Hughes-Ryan Amendment of 1974 and the Intelligence Oversight Act of 1980 Congress provided that the president must issue a "finding" authorizing each covert operation and that he must notify the appropriate congressional committees of the operation "in a timely fashion" (see, e.g., Johnson, 1985; Paterson, 1987; Crabb and Holt, 1989; Schmitt and Shulsky, 1989; Smist, 1990; Treverton, 1990). The reporting requirement was intended to improve congressional oversight of intelligence. Although neither Hughes-Ryan nor the Intelligence Oversight Act required the president to notify Congress before launching a covert operation, proponents believed the fact that Congress would be informed eventually would discourage the intelligence community from pursuing questionable operations. (The president has given Congress prior notification of covert operations in all but a half-dozen cases since 1974; see Schmitt and Shulsky, 1989.) Failing that, proponents believed the reporting requirement would provide an opportunity to debate the wisdom of a covert operation.

The Iran-contra affair raises doubt about the effectiveness of the reporting requirement. The traditional reading of the affair is that William Casey and a small group of supporters bypassed the CIA entirely, and, as a result, Congress as well. In this version of the story, the CIA did not fulfill the reporting requirement because most of its officials were unaware that a covert operation was under way. A less benign view of CIA involvement contends that CIA officials helped to plan and administer the arms sale and then lied to Congress about their activities. Whichever version of Iran-contra is accurate, in this specific case the reporting requirement failed to prevent a rogue operation, a failure that led Congress in 1991 to tighten the reporting requirement even further (see Fessler, 1991a, 1991c).

Yet in many respects Iran-contra suggests that the reporting requirement does affect covert operations. Notification that the United States was assisting the contras led the intelligence committees to prohibit U.S. aid from being used to overthrow the government of Nicaragua. This ban evolved into the Boland Amendments, which in turn fueled William Casey's desire for an "off-the-shelf" covert operations team that would circumvent congressional oversight. When the deputy director of the CIA learned that a CIA official had helped ship Hawk missiles from Portugal to Israel, he insisted that a presidential finding be issued. This demand eventually led President Reagan to sign a retroactive finding authorizing the CIA's involvement (*Tower Commission Report*, 1987:162-175; U.S. Congress, 1987:175-186).

The Iran-contra affair aside, it is impossible to know how many covert operations die at birth because of anticipated reactions. As Loch Johnson (1989:101) argues, it is likely that "the very requirement of reporting on these operations serves as a deterrent against madcap proposals like those that surfaced within the intelligence bureaucracy more easily in the past." Presidents

occasionally give credence to this view when they complain, as President Bush did when explaining why the United States did not support a coup attempt in Panama in October 1989, that congressional oversight discourages covert operations (Congressional Quarterly, 1990b:601–604).

Of the plans that reach Congress, most stir little opposition in the intelligence committees. But some do. Members can use private communications with executive branch officials, threats to expose classified information, votes in committee on the operation (though no vote is required), and their control of the purse strings to convince the administration to change its plans. Sometimes these steps stop an operation. In 1978 the Senate Intelligence Committee deleted funds for one covert operation, thereby killing it (Johnson, 1989:100). In 1983 the intelligence committees persuaded President Reagan to rescind approval for a plan to fund the overthrow of the government of Suriname (Taubman, 1983). In 1988, opposition by the Senate Intelligence Committee reportedly derailed a CIA plan to fund the overthrow of General Manuel Noriega (Congressional Quarterly, 1990b:603). And, in the late 1980s, the Senate Intelligence Committee forced the CIA to stop a covert program that funneled money to political candidates in Haiti who opposed Jean-Bertrand Aristide (Bowens, 1993).

The reporting requirement, then, has had considerable success in achieving its avowed goals of preventing rogue operations and making the intelligence community more attentive to the views of Congress. To quote Robert M. Gates (1987/88:224–225), then deputy director of the CIA: “[T]he CIA today finds itself in a remarkable position, involuntarily poised equidistant between the executive and legislative branches. The administration knows that the CIA is in no position to withhold much information from Congress and is extremely sensitive to congressional demands; the Congress has enormous influence and information yet remains suspicious and mistrustful.” Perhaps Gates overstates how attuned the CIA is to congressional opinion in order to appease legislators angered by Iran-contra. Even so, the legacy of Iran-contra no doubt has been to make the intelligence community even more sensitive to sentiment on Capitol Hill.

Explaining the Mixed Success of Procedural Innovations

The five case studies suggest that procedural innovations can inject congressional preferences into U.S. foreign policy. Yet none of the procedural innovations was a complete success. Moreover, the impact of each innovation varied. While the legislative veto on arms sales and the intelligence reporting requirement affected policy significantly, the creation of DOT&E prompted at best marginal improvements in operational testing. The impact of legislative participation in trade talks and of Section 502B lies between these two extremes.

Why do procedural innovations have a mixed record of success? One set of explanations popular with many foreign policy scholars and some new institutionalists points to Congress itself as the culprit. As mentioned earlier, procedural innovations might fail because they were enacted to shield members of Congress from blame rather than to influence policy. A second Congress-centered explanation argues that procedural innovations have a mixed record of success because members sometimes fudge key details in legislation in order to assemble a winning legislative coalition. Administrations later exploit the ambiguity to defeat or blunt the intent of a procedural change. The third Congress-centered explanation is more charitable to members than the first two. It argues that whatever the motives of the original supporters of a procedural innovation, the

composition of Congress, hence the nature of congressional preferences, changes over time. As congressional preferences change, so does the likelihood that a procedural innovation will affect the behavior of the executive branch.

Explanations that attribute the failure of procedural innovations to Congress have some merit. Blame avoidance plays an unquestionable role in congressional deliberations on foreign policy. In an institution with 535 members there will always be some members who value form over substance. Likewise, a good deal of legislation is imprecise. Definitional problems, for instance, plague the War Powers Resolution (Katzmann, 1990:49–52). And congressional preferences change over time. The 1980 Senate elections, for example, saw several leading proponents of congressional activism in foreign policy replaced by senators hostile to the procedural innovations introduced in the 1970s.

As illuminating as Congress-centered explanations may be, there are good reasons to doubt that they fully explain the success and failure of procedural innovations. First, the logic underlying Congress-centered explanations is not entirely compelling. The blame avoidance argument, for instance, assumes that constituents are intelligent when it comes to demanding congressional action but ignorant when it comes to assessing the consequences of congressional action. Although such an assumption might fit the average voter, it hardly seems to describe interest groups, which have both the incentives and the resources to distinguish between blame avoidance and serious legislative work. At the same time, presidents have proven skillful in skirting the intent of even precisely crafted laws. The Reagan administration, for example, refused to impose sanctions that were mandatory under U.S. law on Japan when Japanese fishermen violated the International Whaling Commission's limits on whaling. The Supreme Court upheld the Reagan administration's refusal to impose the sanctions in the 1985 case of *Japan Whaling Association v. American Cetacean Society* (see Silverstein, n.d.).

Second, Congress-centered explanations fail to explain why some procedural innovations fall short of their stated objectives despite vigorous congressional efforts to the contrary. The armed services committees, for example, went to considerable lengths to make DOT&E work—even going so far as to condition funding for developmental testing on the appointment of a director for operational testing. Likewise, the House Foreign Affairs Committee made a concerted effort throughout the 1980s to oversee executive branch compliance with Section 502B (Forsythe, 1987:404; U.S. General Accounting Office, 1990b). In both cases the legislation was precisely written. Indeed, advocates of DOT&E beat back the effort to define the testing office out of existence because the law creating DOT&E specifically gave it broad powers (Gordon, 1984b:122). If congressional preferences alone mattered, then both DOT&E and Section 502B should have influenced policy far more than they did.

Third, Congress-centered explanations assume that the executive branch merely responds to congressional pressure. Yet everything we know about the executive branch makes this assumption untenable, especially in foreign policy. The president's policy goals often diverge sharply from those of Congress. Foreign policy bureaucracies have a clear sense of their own mission, and they frequently use their superior information and expertise to resist legislative efforts they deem undesirable (see, e.g., Aspin, 1973; Fox, 1974; Halperin, 1974; Smith, 1988). As a result, when Congress enacts procedural changes, the executive branch usually moves to counter the effort.

Any effort to explain the success and failure of procedural innovations, then, needs to look beyond Capitol Hill and to recognize the factors that limit the ability of members of Congress to use procedural innovations to shape policy. The five cases studied here suggest that three factors are crucial: the intensity

of executive preferences, the cost of monitoring the executive branch, and the cost of punishing noncompliance.

The Intensity of Executive Preferences. Procedural changes are least likely to succeed when the executive branch vehemently opposes them. The reporting requirements for covert operations failed to prevent the Iran-contra affair because the Reagan administration wilfully flouted the law. DOT&E stumbled in its mission because senior DoD officials fiercely resisted Congress's conception of operational testing. The intensity of executive branch preferences also helps to explain why the success of a procedural change may vary over time. Section 502B had a greater effect on the Carter administration than on the Reagan administration because some (but not all) senior officials in the Carter administration sympathized with Congress's objectives.

Presidents and their subordinates have ample opportunities to blunt the intent of a procedural change. At the extreme, the executive branch may simply refuse to obey the law, as the Reagan administration did with its end run around CIA reporting requirements during the Iran-contra affair. Far more often, officials comply with the letter but not the spirit of the law (see, e.g., Aspin, 1973; Fox, 1974; Halperin, 1974; Smith, 1988). There are countless ways agencies can legally circumvent the law. One popular tactic is to tell Congress bad news in a voice so low that most members won't hear, as DOT&E did with its report on the B-1B. Another tactic is to write an implementing regulation that guts the intent of the legislation. The Reagan administration used just this ploy when it rewrote the list of controlled exports to evade the restrictions on military assistance to Guatemala. Still another tactic used by the executive branch to blunt the effect of procedural change is to distort the information given to Congress. DoD is particularly well known for its occasionally imaginative use of information; indeed, it was the perception that the services were playing fast and loose with test data that prompted the legislation creating DOT&E.

The Cost of Monitoring the Executive Branch. The willingness of the executive branch to blunt procedural change means that members of Congress must monitor the executive branch if an innovation is to succeed. But monitoring comes at a cost. As it becomes more costly to detect and prove noncompliance, members are less inclined to engage in monitoring and the executive branch is more inclined to ignore congressional preferences.

As a general rule, it is more costly for Congress to detect noncompliance in foreign policy than in domestic policy because secrecy is so much more extensive. Yet among foreign policy issues the costs of detecting noncompliance differ greatly. Some types of executive behavior are relatively easy to track. It is difficult, for instance, to hide a shipment of F-15s; hence, members can easily see if the administration has observed the thirty-day notice on arms sales. Likewise, the fact that the administration ultimately must reveal the contents of trade agreements makes it relatively easy for members of Congress to detect noncompliance. Other types of executive behavior, however, are costly to monitor. Covert operations pose the greatest obstacles to detection because they are designed to be secret.

If the cost of detecting noncompliance varies from issue to issue, so does the cost of proving that noncompliance has occurred. On some issues, assessing compliance is straightforward. The reporting requirements for arms sales and covert operations, for instance, impose clear responsibilities on the executive branch. Failures to notify Congress of an arms sale or a covert action are beyond dispute when found, and members can move directly to debating the appropri-

ate response. The prospect of punishment in turn deters the executive from evading congressional intent.

The cost of proving noncompliance rises sharply, however, when procedural innovations hinge on subjective judgments. Where reasonable people can disagree over whether an agency is complying, congressional energies will be consumed by debates over compliance rather than over punishment. Thus, as long as DoD observes the letter of the law on operational testing and the State Department does likewise in its reports on human rights, they deny their critics the ammunition needed to marshal support for sanctions against the agency or for new legislation.

The Cost of Punishing Noncompliance. The success of any effort to force agency compliance depends ultimately on a credible commitment by members of Congress to punish noncompliance. As Murray Horn and Kenneth Shepsle (1989:502) argue: “[N]either specificity in the enabling legislation, denial of agent flexibility, nor participation by interested parties is necessarily optimal or self-fulfilling; therefore, they do not ensure agent compliance. Ultimately, there must be some enforcement feature—a credible commitment to punish.” Of course, in many instances the Supreme Court could require the executive branch to abide by a procedural innovation even if Congress refused to act. In practice, however, the Court gives great deference to executive branch discretion in foreign policy, often going so far as to refuse to rule on foreign policy disputes between Congress and the president on the grounds that political and not legal questions are at stake (Pritchett, 1990; Uhlmann, 1990; Franck, 1991, 1992; Silverstein, n.d.). As a result, no matter how tightly drawn or finely crafted, procedural innovations in foreign policy will flop in the face of executive branch hostility if Congress refuses to punish instances of noncompliance.

Although the prospect of punishment is crucial to the success of procedural innovations, the cost of enforcing procedural innovations (and, as a result, the likelihood they will succeed) varies across issues. In some situations the very nature of the issue makes it relatively easy for Congress to punish noncompliance. In the case of the intelligence reporting requirements, for example, a single leak may derail a covert operation. As a result, the CIA has good reason to anticipate the mood on Capitol Hill in designing its proposal. The costs of punishment are also likely to be low where the administration needs congressional consent. In the case of trade talks, for instance, no trade agreement can go into effect without the approval of Congress. The fact that a majority of either house can derail a trade agreement gives the executive branch a strong incentive to listen to congressional negotiators.

In other situations the nature of what members of Congress want to accomplish may make enforcement costly. Just as compellence is far harder to achieve than deterrence, enforcement costs tend to be much higher when Congress wants agencies to adopt new policies rather than to stop existing ones. The armed services committees were hampered in their effort to force DoD to place more emphasis on operational testing because the traditional punishment—cutting off the program’s funding—was useless; the Pentagon would have been happy to do without DOT&E. The committees instead tried to pressure DoD by holding hostage the funding for developmental testing. As a general rule, however, threats to hold other programs hostage are difficult to make credible. They frequently stumble over policy objections (the program being held hostage is needed) or parochial concerns (don’t take a program that employs my constituents hostage).

An objection that might be raised at this point is that members themselves

set the costs of monitoring and punishing the executive branch. (It is hard to argue that members of Congress determine executive preferences.) The objection has some merit. Monitoring costs are partly a function of the kinds of reporting requirements chosen and of how precisely the legislation is written. And whether members delegate authority to the executive branch or hold it for themselves influences the cost of punishing noncompliance. Until the Supreme Court ruled legislative vetoes unconstitutional, for instance, members could reduce the cost of punishing noncompliance by opting for a one-house rather than a two-house veto.

Nonetheless, the costs of monitoring and punishing the executive branch are to a great extent beyond congressional influence. The need for secrecy in foreign policy limits the ability of members to lower the costs of detecting noncompliance by shifting the burden of oversight onto private sector groups. (While in theory members choose secrecy and the higher detection costs it entails, the nature of world politics makes deciding between secrecy and openness something of a Hobson's choice, and constitutional practice severely restricts Congress's ability to compel an administration to disclose matters pertaining to diplomacy.) Some policy goals simply are incompatible with objective measures of compliance no matter how precisely the law is written. And members will always find it harder to compel the executive branch to adopt new policies than to block existing ones.

Conclusion

New institutionalists argue that traditional studies of Congress have mistakenly treated the substance of government policy separately from the process that produces policy. According to the argument advanced by new institutionalists, members of Congress can use their say over the structure and procedures of government to ensure that the policies that emerge from the executive branch will reflect their policy preferences. In short, delegation is not necessarily abdication because members of Congress may have used procedural innovations to structure the decision-making process in the executive branch in ways that make it likely that their preferred policies are chosen.

Although new institutionalists have focused their attention almost solely on domestic policy issues, the five case studies presented in this article show that their argument applies to foreign policy as well. To be sure, procedural innovations are not perfect instruments of congressional influence. In none of the five cases studied here did the procedural innovation totally fulfill its stated aims. Nonetheless, the case studies do show that procedural innovations can bring executive branch behavior more closely into line with the preferences of Congress.

The findings presented here suggest that the traditional literature on Congress and foreign policy understates the extent of congressional influence in foreign policy making. Because most scholars have focused their attention on Congress's relatively meager track record on substantive legislation, they have overlooked the successes that members of Congress have had in using procedural innovations to inject their policy preferences into the policy-making process. This is not to say that foreign policy in the United States is made by Congress, as many administration officials and their sympathizers claimed in the 1980s (see, e.g., Rodman, 1985; Crovitz and Rabkin, 1989; Rostow, 1989). The case studies presented here clearly show that the executive branch is well positioned to blunt (if only partially) the impact of procedural innovations it

dislikes. Still, procedural innovations remain an important tool which members of Congress have used successfully in their efforts to make U.S. foreign policy reflect their policy preferences.

The findings presented here are also relevant to the literature on the new institutionalism. In particular, they suggest that future work on Congress's use of procedural innovations, whether on foreign or domestic policy, needs to employ more sophisticated assumptions about executive and legislative behavior. Three such assumptions stand out. First, future studies need to recognize much more explicitly that the relative intensity of executive and congressional preferences matters as much as the content of those preferences. On any given issue, Congress and the executive branch may differ in the intensity of their preferences, and these different intensities will have predictable consequences for the success of procedural innovations. Procedural change is most likely to succeed where executive branch opposition is low and least likely to succeed where executive branch opposition is high.

Second, future studies need to recognize that the cost to Congress of monitoring the executive branch is not fixed; rather, it varies across policy domains and issue areas. Most new institutionalists assume that "agency decisions are a matter of public record" and that "administrative procedures are typically designed to force maximum revelation of the information and actions of an agency" (Calvert et al., 1989:599). Although both statements may be true for much of domestic policy, quite the opposite is the case with many defense and foreign policy issues. In many (but by no means all) areas of foreign policy, the need for secrecy limits the ability of members of Congress to compel agency disclosure and thereby to shift the cost of detecting and proving noncompliance onto other groups. After all, no one would seriously suggest that the CIA should be compelled to make public its intelligence operations or that DoD should be required to disclose the complete results of its weapons testing. Again, as the cost of detecting and proving noncompliance rises, the likely success of a procedural innovation diminishes.

Recognizing that monitoring costs vary across policy domains and issue areas does not deny the claim that members of Congress have a greater incentive to acquire information about executive branch behavior when the political stakes in question make it worthwhile to do so. The crucial point here, however, is that the enthusiasm with which members want to acquire information does not determine the cost of acquiring that information. Indeed, while it is almost certainly true that members of Congress will bear greater costs to monitor the executive branch when the political stakes are high, these are precisely the situations in which the executive branch has the greatest incentive to increase Congress's monitoring costs by misrepresenting or disguising information. Indeed, on issues that are normally cloaked in great secrecy (e.g., intelligence operations), the executive branch enjoys a tremendous information advantage over even the most intensely motivated members of Congress.

Third, future studies need to pay greater attention to the cost to Congress of punishing instances of agency noncompliance. New institutionalists have explored in considerable detail the relative efficacy of *ex ante* and *ex post* controls on executive branch behavior. But, as already mentioned, *ex ante* controls work only to the extent that executive branch officials believe that members of Congress are willing to punish instances of noncompliance. If officials believe that transgressions will go unpunished, they are free to ignore congressional preferences. Yet the case studies presented here show that the cost of punishment is not fixed; rather, the cost of punishing noncompliance, like the cost of detecting it, varies across policy domains and from issue to issue.

Of course, the cost of punishing agency transgressions is partly set by mem-

bers of Congress themselves; for example, the cost of punishment depends to some extent on whether members delegate authority to the executive branch or hold it for themselves. Yet much of the cost of punishment lies beyond the direct control of Congress. For example, the cost of punishment is greatly influenced by the attitudes of the courts. Over the past several decades the Supreme Court has tended to read congressional legislation far more narrowly, and presidential prerogative far more broadly, in foreign affairs than in domestic affairs (Silverstein, 1993). Because the courts are much more reluctant to curb executive discretion in foreign policy than they are in domestic policy, Congress is far less able to shift the costs of enforcing its procedural innovations onto the judiciary when it comes to foreign policy.

At the same time, the cost of punishment also depends on the specific structure of executive–legislative interactions on an issue. Thus, in some cases Congress can punish a transgression only by overcoming its own inertia and passing legislation (e.g., the War Powers Resolution); in other instances Congress can punish transgressions simply by withholding its approval (e.g., trade agreements), and in still other instances Congress can punish transgressions through non-legislative means (e.g., by leaking secrets). Likewise, it is far more difficult for Congress to compel executive branch behavior than to deter it. Because the structure of executive–legislative interaction lies beyond congressional control, the ability to render punishment costless does as well. And, as the cost of punishing the executive branch increases, members of Congress find themselves less able to inject their preferences into the decision-making process.

On a final note, future research into Congress's role in foreign policy making needs to avoid becoming bogged down in a sterile debate over whether or not Congress controls foreign policy. Not only is the meaning of "control" open to a variety of interpretations, the case studies reviewed here show that Congress's impact on foreign policy varies considerably across issues. Thus the real work lies in determining when and to what effect Congress imposes its preferences on foreign policy (for efforts in this direction, see Lindsay, 1994; Lindsay and Ripley, 1993). Greater scholarly attention to the use of procedural innovations will provide us with a much clearer understanding of how Congress's role in foreign policy varies across issue areas.

References

- ABERBACH, J. D. (1987) The Congressional Committee Intelligence System: Information, Oversight, and Change. *Congress and the Presidency* 14:51–76.
- ABERBACH, J. D. (1990) *Keeping a Watchful Eye: The Politics of Congressional Oversight*. Washington, DC: Brookings Institution.
- ASPIN, L. (1973) Games the Pentagon Plays. *Foreign Policy* 11:80–92.
- BOWENS, G. J. (1993) "Bad Rap" for the CIA? *Congressional Quarterly Weekly Report* 51:3061.
- BRODER, T., AND B. D. LAMBEK (1988) Military Aid to Guatemala: The Failure of U.S. Human Rights Legislation. *Yale Journal of International Law* 13:111–145.
- CALVERT, R. L., M. D. MCCUBBINS, AND B. R. WEINGAST (1989) A Theory of Political Control and Agency Discretion. *American Journal of Political Science* 33:588–611.
- CASSIDY, R. C., JR. (1981) "Negotiating about Negotiations: The Geneva Multilateral Trade Talks." In *The Tethered Presidency: Congressional Restraints on Executive Power*, edited by T. M. Franck, pp. 264–282. New York: New York University Press.
- COHEN, S. B. (1982) Conditioning U.S. Security Assistance on Human Rights Practices. *American Journal of International Law* 76:246–279.
- COLLIER, E. C. (1988) Foreign Policy by Reporting Requirement. *Washington Quarterly* 11:75–84.
- CONGRESSIONAL QUARTERLY (1990a) *The Middle East* (7th ed.). Washington, DC.
- CONGRESSIONAL QUARTERLY (1990b) U.S. Invasion Ousts Panama's Noriega. *Congressional Quarterly Almanac 1989*, pp. 595–609. Washington, DC.

- Congressional Record* (1988) (19 September).
- CRABB, C. V., JR., AND P. M. HOLT. (1989) *Invitation to Struggle: Congress, the President, and Foreign Policy* (3rd ed.). Washington, DC: Congressional Quarterly Press.
- CROVITZ, L. G., AND J. A. RABKIN, EDs. (1989) *The Fettered Presidency: Legal Constraints on the Executive Branch*. Washington, DC: American Enterprise Institute.
- DESTLER, I. M. (1986a) *American Trade Politics: System under Stress*. New York: Institute for International Economics.
- DESTLER, I. M. (1986b) Protecting Congress or Protecting Trade? *Foreign Policy* 62:96–107.
- DESTLER, I. M., L. H. GELB, AND A. LAKE (1984) *Our Own Worst Enemy: The Unmaking of American Foreign Policy*. New York: Simon and Schuster.
- FESSLER, P. (1991a) Bill Sent to Bush Would Create International Scholarships. *Congressional Quarterly Weekly Report* 49:3470.
- FESSLER, P. (1991b) Complaints Are Stacking Up as Hill Piles on Reports. *Congressional Quarterly Weekly Report* 49:2562–2566.
- FESSLER, P. (1991c) Senate Clears Retooled Measure Strengthening Hill's Oversight. *Congressional Quarterly Weekly Report* 49:2187–2189.
- FIORINA, M. P. (1981) "Congressional Control of the Bureaucracy: A Mismatch of Incentives and Capabilities." In *Congress Reconsidered* (2nd ed.), edited by L. C. Dodd and B. I. Oppenheimer, pp. 332–348. Washington, DC: Congressional Quarterly Press.
- FIORINA, M. P. (1986) Legislator Uncertainty, Legislative Control, and the Delegation of Legislative Power. *Journal of Law, Economics, and Organization* 2:33–51.
- FORSYTHE, D. P. (1987) Congress and Human Rights in U.S. Foreign Policy: The Fate of General Legislation. *Human Rights Quarterly* 9:382–404.
- FORSYTHE, D. P. (1989) *Human Rights and U.S. Foreign Policy: Congress Reconsidered*. Gainesville, FL: University Presses of Florida.
- FOX, J. R. (1974) *Arming America: How the U.S. Buys Weapons*. Cambridge, MA: Harvard University Press.
- FRANCK, T. M. (1991) Courts and Foreign Policy. *Foreign Policy* 83:66–86.
- FRANCK, T. M. (1992) *Political Questions/Judicial Answers: Does the Rule of Law Apply to Foreign Affairs?* Princeton, NJ: Princeton University Press.
- FRANCK, T. M., AND C. A. BOB (1985) The Return of Humpty-Dumpty: Foreign Relations Law after the Chadha Case. *American Journal of International Law* 79:912–960.
- FRIEDRICH, C. J. (1941) *Constitutional Government and Democracy: Theory and Practice in Europe and America* (rev. ed.). Boston: Little, Brown.
- GALEY, M. E. (1985) Congress, Foreign Policy and Human Rights Ten Years after Helsinki. *Human Rights Quarterly* 7:334–372.
- GATES, R. M. (1987/88) The CIA and Foreign Policy. *Foreign Affairs* 66:215–230.
- GIBSON, M. L. (1992) *Weapons of Influence: The Legislative Veto, American Foreign Policy, and the Irony of Reform*. Boulder, CO: Westview Press.
- GILMOUR, R. S., AND B. H. CRAIG (1984) After the Congressional Veto: Assessing the Alternatives. *Journal of Policy Analysis and Management* 3:373–392.
- GOLDSTEIN, J. (1988) "Ideas, Institutions and American Trade Policy." In *The State and American Foreign Economic Policy*, edited by G. J. Ikenberry, D. A. Lake, and M. Mastanduno, pp. 179–217. Ithaca, NY: Cornell University Press.
- GORDON, M. R. (1984a) Help Wanted in Weapons Testing Office but Pentagon Slow to Fill Top Job. *National Journal* 16:1914–1917.
- GORDON, M. R. (1984b) Non-Operational Definition. *National Journal* 16:122.
- GORLIN, J. J. (1990) "Foreign Trade and the Constitution." In *Foreign Policy and the Constitution*, edited by R. A. Goldwin and R. A. Licht, pp. 54–71. Washington, DC: American Enterprise Institute.
- GOTTSCHALK, G. (EXECUTIVE ASSISTANT TO THE DIRECTOR, OPERATIONAL TEST AND EVALUATION) (1991) Letter to the author (18 July).
- GROSS, R. C. (1987) A Premature Birth for the B-1B Bomber. *Defense, Science and Electronics* (June).
- HAGGARD, S. (1988) "The Institutional Foundations of Hegemony: Explaining the Reciprocal Trade Agreements Act of 1934." In *The State and American Foreign Economic Policy*, edited by G. J. Ikenberry, D. A. Lake, and M. Mastanduno, pp. 91–199. Ithaca, NY: Cornell University Press.
- HALPERIN, M. H. (1974) *Bureaucratic Politics and Foreign Policy*. Washington, DC: Brookings Institution.

- HINCKLEY, B. (1994) *Less Than Meets the Eye: Congress, the President, and Foreign Policy*. Chicago: University of Chicago Press.
- HORN, M. J., AND K. A. SHEPBLE (1989) Commentary on "Administrative Arrangements and the Political Control of Agencies": Administrative Process and Organizational Form as Legislative Responses to Agency Costs. *Virginia Law Review* 75:499–508.
- JOHNSON, L. K. (1985) Legislative Reform of Intelligence Policy. *Polity* 17:549–573.
- JOHNSON, L. K. (1989) Covert Action and Accountability: Decision-Making for America's Secret Foreign Policy. *International Studies Quarterly* 33:81–109.
- KATZMANN, R. A. (1990) "War Powers: Toward a New Accommodation." In *A Question of Balance: The President, the Congress, and Foreign Policy*, edited by T. E. Mann, pp. 35–69. Washington, DC: Brookings Institution.
- KEGLEY, C. W., JR., AND E. R. WITTKOPF (1991) *American Foreign Policy: Pattern and Process* (4th ed.). New York: St. Martin's Press.
- KING, E. E. (1991) The Omnibus Trade Bill of 1988: "Super 301" and Its Effects on the Multilateral Trade System under GATT. *University of Pennsylvania Journal of International Business Law* 12:245–273.
- KOH, H. H. (1988) Why the President (Almost) Always Wins in Foreign Affairs: Lessons of the Iran-Contra Affair. *Yale Law Journal* 97:1255–1342.
- KOH, H. H. (1990) *The National Security Constitution: Sharing Power after the Iran-Contra Affair*. New Haven, CT: Yale University Press.
- KORN, J. (1992) Institutional Reforms That Don't Matter: *Chadha* and the Legislative Veto in Jackson-Vanik. *Harvard Journal on Legislation* 29:455–515.
- LINDSAY, J. M. (1988) Congress and the Defense Budget. *Washington Quarterly* 11:57–74.
- LINDSAY, J. M. (1994) *Congress and the Politics of U.S. Foreign Policy*. Baltimore, MD: Johns Hopkins University Press.
- LINDSAY, J. M., AND R. B. RIPLEY (1993) "How Congress Influences Foreign and Defense Policy." In *Congress Resurgent: Foreign and Defense Policy on Capitol Hill*, edited by R. B. Ripley and J. M. Lindsay, pp. 17–45. Ann Arbor, MI: University of Michigan Press.
- MASHAW, J. L. (1983) *Bureaucratic Justice*. New Haven, CT: Yale University Press.
- MASHAW, J. L. (1985) *Due Process in the Administrative State*. New Haven, CT: Yale University Press.
- MCCUBBINS, M., R. NOLL, AND B. WEINGAST (1987) Administrative Procedures as Instruments of Political Control. *Journal of Law, Economics, and Organization* 3:243–277.
- MCCUBBINS, M., R. NOLL, AND B. WEINGAST (1989) Structure and Process, Politics and Policy: Administrative Arrangements and Political Control of Agencies. *Virginia Law Review* 75:431–482.
- MCCUBBINS, M., AND T. SCHWARTZ (1984) Congressional Oversight Overlooked: Police Patrol versus Fire Alarms. *American Journal of Political Science* 28:165–179.
- MEYER, J. A. (1988) Congressional Control of Foreign Assistance. *Yale Journal of International Law* 13:69–110.
- MOE, T. M. (1987) An Assessment of the Positive Theory of "Congressional Dominance." *Legislative Studies Quarterly* 12:475–520.
- MORRISON, D. C. (1986) Trying Times for Weapons Tester. *National Journal* 18:946–947.
- MORRISON, D. C. (1987) Questions about a Junkyard Dog's Bite. *National Journal* 19:943.
- NIVOLA, P. S. (1990) "Trade Policy: Refereeing the Playing Field." In *A Question of Balance: The President, the Congress, and Foreign Policy*, edited by T. E. Mann, pp. 201–253. Washington, DC: Brookings Institution.
- O'HALLORAN, S. (1990) Congress, the President, and U.S. Trade Policy. Paper presented at the Annual Meeting of the American Political Science Association, San Francisco.
- O'HALLORAN, S. (1993) *Politics, Process, and American Trade Policy*. Ann Arbor, MI: University of Michigan Press.
- PATERSON, T. G. (1987) "Oversight or Afterview? Congress, the CIA, and Covert Actions since 1947." In *Congress and United States Foreign Policy*, edited by M. Barnhart, pp. 154–175. Albany, NY: State University of New York.
- PRITCHETT, C. H. (1990) "National Security and the United States Judiciary." In *The Constitution and National Security*, edited by H. E. Shuman and W. R. Thomas, pp. 317–332. Washington, DC: National Defense University Press.
- RODMAN, P. W. (1985) The Imperial Congress. *National Interest* 1:26–35.
- ROSTOW, E. V. (1989) President, Prime Minister, or Constitutional Monarch? McNair Papers, 3. Washington, DC: National Defense University.

- SCHMITT, G. J., AND A. N. SHULSKY (1989) "The Theory and Practice of Separation of Powers: The Case of Covert Action." In *The Fettered Presidency: Legal Constraints on the Executive Branch*, edited by L. G. Crovitz and J. A. Rabkin, pp. 59–81. Washington, DC: American Enterprise Institute.
- SCIARRA, V. P. (1988) Congress and Arms Sales: Tapping the Potential of the Fast-Track Guarantee Procedure. *Yale Law Journal* 97:1439–1457.
- SILVERSTEIN, G. (N.D.) "Judicial Enhancement of Executive Power." In *Congress and the Making of Foreign Policy*, edited by P. E. Peterson. Norman, OK: University of Oklahoma, forthcoming.
- SILVERSTEIN, G. (1993) Imbalance of Powers? How Constitutional Interpretation Shapes U.S. Foreign Policy. Typescript. Harvard University, Cambridge, MA.
- SMIST, F. J. (1990) *Congress Oversees the United States Intelligence Community, 1947–1989*. Knoxville, TN: University of Tennessee Press.
- SMITH, H. (1988) *The Power Game: How Washington Works*. New York: Random House.
- STANFIELD, R. L. (1991) Weighing Arms for Saudis. *National Journal* 23:79–80.
- STRAUSS, R. (1987) Foreword. In J. E. Twigg, *The Tokyo Round of Multilateral Trade Negotiations: A Case Study in Building Domestic Support for Diplomacy*. Lanham, MD: University Press of America.
- TAUBMAN, P. (1983) Are U.S. Covert Activities Best Policy on Nicaragua? *New York Times* (15 June). *The Tower Commission Report: The Full Text of the President's Special Review Board* (1987) New York: Bantam Books and Times Books.
- TREVERTON, G. F. (1990) "Intelligence: Welcome to the American Government." In *A Question of Balance: The President, the Congress, and Foreign Policy*, edited by T. E. Mann, pp. 70–108. Washington, DC: Brookings Institution.
- TWIGGS, J. E. (1987) *The Tokyo Round of Multilateral Trade Negotiations: A Case Study in Building Domestic Support for Diplomacy*. Lanham, MD: University Press of America.
- UHLMANN, M. H. (1990) "Reflections on the Role of the Judiciary in Foreign Policy." In *Foreign Policy and the Constitution*, edited by R. A. Goldwin and R. A. Licht, pp. 40–53. Washington, DC: American Enterprise Institute.
- U.S. CONGRESS (1987) *Report of the Congressional Committees Investigating the Iran-Contra Affair with Supplemental, Minority, and Additional Views*, 100th Cong., 1st sess., H. Rept. 100–433, S. Rept. 100–216.
- U.S. CONGRESS, HOUSE COMMITTEE OF CONFERENCE (1983) *Department of Defense Authorization Act, 1984*, 98th Cong., 1st sess., H. Rept. 352.
- U.S. CONGRESS, HOUSE COMMITTEE ON FOREIGN AFFAIRS (1980) *Congress and Foreign Trade Policy: The Multilateral Trade Negotiations and Trade Reorganization*. Washington, DC: U.S. Government Printing Office.
- U.S. CONGRESS, HOUSE COMMITTEE ON FOREIGN AFFAIRS (1988) *Required Reports to Congress on Foreign Policy*. Washington, DC: U.S. Government Printing Office.
- U.S. CONGRESS, HOUSE COMMITTEE ON FOREIGN AFFAIRS (1989a) *Congress and Foreign Policy, 1988*. Washington, DC: U.S. Government Printing Office.
- U.S. CONGRESS, HOUSE COMMITTEE ON FOREIGN AFFAIRS (1989b) *Foreign Assistance Reporting Requirements*. Washington, DC: U.S. Government Printing Office.
- U.S. CONGRESS, SENATE COMMITTEE ON FINANCE (1988) *Approving and Implementing the United States–Canada Free-Trade Agreement*, 100th Cong., 2d sess., S. Rept. 509.
- U.S. GENERAL ACCOUNTING OFFICE (1986) *Military Sales: The United States Continuing Munition Supply Relationship with Guatemala* (January, GAO/NSIAD-86-31).
- U.S. GENERAL ACCOUNTING OFFICE (1987) *Operational Test and Evaluation Oversight: Improving but More Is Needed* (March, GAO/NSIAD-87-108BR).
- U.S. GENERAL ACCOUNTING OFFICE (1988) *Weapons Testing: Quality of DoD Operational Testing and Reporting* (July, GAO/PEMD-88-32BR).
- U.S. GENERAL ACCOUNTING OFFICE (1990a) *DOD Needs to Plan and Conduct More Timely Operational Tests and Evaluation* (May, GAO/NSIAD-90-107).
- U.S. GENERAL ACCOUNTING OFFICE (1990b) *State Department's Commitment to Accurate Reporting Has Increased* (September, GAP/NSIAD-90-224).
- WARBURG, G. F. (1989) *Conflict and Consensus: The Struggle between Congress and the President over Foreign Policymaking*. New York: Harper and Row.
- WEAVER, R. K. (1986) The Politics of Blame Avoidance. *Journal of Public Policy* 6:371–398.