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Congress and National Security: Selected Tools and Issues for the 119th Congress

The Constitution divides national security powers between the legislative and executive branches of the U.S. government. Both the President and Congress may take initiative in developing and shaping U.S. national security policies. Interactions between the branches help determine the direction of U.S. policies and define the resources, constraints, and political dynamics that influence implementation. U.S. foreign policymaking is an iterative process with many inputs. Policies, authorities, and appropriations respond to events abroad and domestic circumstances. When the executive branch takes initiative in policymaking, Congress may support executive proposals or seek to amend or reverse them. When Members of Congress propose and seek to advance policies, the executive branch may seek to endorse or oppose them formally or informally, help to shape them, or exercise discretion in implementing them.

Given this interconnected nature of foreign policy and national security issues, the 119th Congress and the incoming presidential administration may face questions about what U.S. national security priorities and interests are, whether and how to advance and protect them, how to provide for and administer public resources in pursuing them, and how to engage with partners, allies, and adversaries abroad in safeguarding or advancing them. Members may consider questions about resources, authorities, and oversight in a context shaped by ongoing domestic debates over the U.S. role in the world, involvement in international crises and events, approaches to border security and immigration, and federal spending.

Components of “National Security”

In some contexts, the term *national security* may refer to diplomatic, military, and intelligence matters, particularly at the nation-state level. In other contexts, it may refer more broadly also to elements including, for example, border security and immigration, climate impacts, counterterrorism, critical infrastructure, critical minerals, cyber-security, the economy, emerging technologies (e.g., artificial intelligence, autonomous systems, biotechnology, and quantum technology), energy security, global public health, human rights, industrial base issues, information and communications technology, international trade and finance, supply chain security, and transnational crime. Members may consider the way participants in a given discussion appear to be using the term. This CRS publication does not rely on or favor a single usage.

Discussions about U.S. national security priorities and strategy are occurring amidst debates in the United States over the U.S. role in the world. Major questions in this debate include, for example:

- (1) Should the United States pursue global leadership and engagement? Should the U.S. role be more restrained?
- (2) Should the United States promote alliances as a key feature of U.S. national security strategy, or employ a more unilateralist approach? What relative contributions should allies and partners make to joint efforts?
- (3) Should national security policy equally prioritize Europe, the Middle East, and East Asia as key regions, adopt what some term an “Asia-first” or “China-first” approach, or focus on goals in Europe or the Middle East?
- (4) How should policymakers address crises and trends in Africa, South Asia, and the Americas?

Legislative Branch National Security Tools

In fulfilling their constitutional responsibilities and contributing to the development of U.S. national security policies, Members may use a range of tools and approaches. These tools include formal and informal activities of a directive or advisory nature such as:

Appropriations and Authorizations. Consideration of [appropriations](#) for foreign operations, defense, intelligence, and homeland security, and authorization of bills such as the National Defense Authorization Act provide Congress with regular opportunities to shape national security policy through legislation, hearings, markups, and amendments. Congress uses such legislation to provide [resources](#) and tools to the executive branch to implement policy or, at times, to prohibit or otherwise [limit](#) the President’s freedom of action. Funding directives, prohibitions, or conditions set by Congress are illustrations of the “[power of the purse](#)” under the Constitution. In some cases, legislative-executive [confrontations](#) have occurred when Congress has restricted funding [despite](#) the President’s opposition.

Legislative Review and Policy Oversight. Congress conducts [oversight](#) of executive branch actions and program implementation through hearings, investigations, meetings, and requests for specific information. For example, current law directs the executive branch to provide advance notifications related to many foreign and security [assistance](#) programs and [arms sales](#) for legislative review. Reporting requirements may direct the executive branch to provide information or forward-looking strategies, such as the National Security Strategy ([50 U.S.C. §3043](#)). Using information provided in these and other notifications, certifications, or required reports, Congress may choose to take legislative action. Hearings and investigations may cover any subject within a committee’s jurisdiction and may raise policy questions publicly.

Under the [Treaty Clause](#) of the Constitution, the President has the authority to make treaties, and the Senate may

provide advice and consent. Congress may consider legislation affecting implementation of treaties, which may address issues such as alliances, arms control, or other aspects of national security policy. The Senate provides advice and consent for confirmation of ambassadors and principal officers of agencies such as the Departments of State and Defense. Acts of Congress also may require that certain international agreements be [submitted for review](#) in advance of the date they would take effect.

Legislative Directives. Congress sometimes initiates national security policy by using legislation to establish a new program, office, or position; set objectives and guidelines; and designate appropriations for specified uses. Congress may authorize and direct the executive branch to undertake specified actions, create new national security policy tools for the executive branch, and establish terms for their use. For example, through legislation, Congress provides the executive branch with authority to enforce various types of sanctions, and may set terms or conditions for their application or removal. Congress may authorize, amend, or direct the enforcement of export controls, or require related notifications, certifications, and reports.

Members may seek Administration views in the process of formulating legislation, and may influence executive branch policies by providing advice in informal and/or private settings. The President must approve legislation for it to become law, unless it is passed over a presidential veto, and the executive branch implements the legislation. The degree of implementation flexibility and discretion provided in legislation is often a subject of debate or negotiation.

War Powers. The Constitution provides Congress the [power](#) to declare war and to provide for, maintain, and make rules governing military forces. Congress passed the War Powers Resolution (P.L. 93-148) to establish procedures for Congress and the President to participate in decisions to send U.S. Armed Forces into hostilities.

Resolutions. Congress sometimes uses simple or concurrent resolutions to state the sense of the House, Senate, or Congress on foreign policy or national security. Sense of the Congress resolutions may provide a vehicle for support or advice to the President on national security policy, signal the politics surrounding it, or may serve as a means of communication from Congress to foreign countries and actors. Simple and concurrent resolutions are not legally binding: the executive branch may ignore them when carrying out national security policy. Nevertheless, such resolutions may launch a new idea, promote a particular policy, or signal the nature of legislative support.

Policy Statements and Public Engagement. Through policy statements, official travel, remarks at hearings and events, and media comments, legislators may shape public perceptions of national security policy issues, share information with the public, and influence the political context in which the executive and legislative branches make decisions. Members also may use congressional correspondence to state their views, seek information, or make recommendations to the executive branch.

Selected Issues

The United States faces choices about whether, and if so how, to respond to an array of current national security

developments. These developments include, for example, the Russia-Ukraine war; conflicts in the Middle East; tensions in East Asia over Taiwan, the South China Sea, and other disputed areas; crises and trends in Africa, South Asia, and the Americas; and cooperation among U.S. adversaries such as China, Russia, Iran, North Korea, and non-state terrorist entities. Congress has tools and options, in both its legislative and oversight roles, to support, reject, or seek to modify administration approaches to these developments. The 119th Congress may also assess whether these trends could lead to wider regional or global conflict.

The War in Ukraine and European Security

The Russia-Ukraine war and security dynamics in Europe raise [questions for Congress](#) about U.S. assistance to Ukraine, the effectiveness of sanctions, coordination with allies, deterrence, and the implications of protracted war for U.S. defense priorities, and the defense industrial base.

Conflict and Change in the Middle East

Political change and conflict have reshaped the Middle East since attacks in Israel in October 2023, challenging some U.S. efforts to stabilize the region. Subsequent wars in Gaza and Lebanon, Israel-Iran military exchanges, and regime change in Syria have presented Congress with questions about, for example, the deployment and protection of U.S. military forces, the defense of partners, the deterrence of adversaries, foreign aid and security assistance, and the use of diplomacy, the [military](#), intelligence, and sanctions.

China and the Indo-Pacific

Since at least the first [Trump Administration](#), the U.S. government has described itself as being in “[strategic competition](#)” with the People’s Republic of China. Congress has considered questions about U.S. military investments, management of economic and technological competition with China, deterrence, and burden-sharing with Indo-Pacific allies and partners. Congress may consider whether or not the United States should seek or maintain primacy in the Indo-Pacific, or assess the benefits, costs, and risks of a higher degree of multipolarity.

The U.S. Borders and Immigration

The Supreme Court has [held](#) that Congress has “exceptionally broad power to determine which classes of aliens may lawfully enter the country.” [Acknowledging](#) that Congress’s broad discretion “has particular force in the area of national security,” the Supreme Court has recognized Congress’s plenary power to enact legislation that secures the U.S. borders and excludes from the United States aliens who pose national security risks. Congress, through the enactment of the [Immigration and Nationality Act \(INA\)](#), [delegated](#) this exercise of power to the executive branch. Congress may face questions about the legal limitations to this delegated authority and existing enforcement provisions within the INA for excluding and removing aliens on national security grounds.

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