

November 3, 2021

Hon. Richard Shelby, Vice Chair
U.S. Senate Committee on Appropriations

Hon. Mike Braun, Ranking Member
Subcommittee on the Legislative Branch
U.S. Senate Committee on Appropriations

Re: Strengthening Article I and Congressional Oversight

Dear Vice Chair Shelby and Ranking Member Braun,

As our country faces unsustainable growth in government spending and an all-time-high national debt of \$28 trillion, we the undersigned free market organizations and individuals write to urge you to prioritize Congress' policy making capacity and increasing its oversight capabilities.

For too long, Congress has neglected many of its constitutional authorities. Institutional challenges, including a lack of funding for oversight and talent retention, have exacerbated this issue. As the [Select Committee on the Modernization of Congress](#) wrote in their final report for the 116th Congress, one of the primary goals of congressional reform efforts is to reverse the “decreasing claim to constitutional powers vested in Article One.” Reenforcing these areas is essential to strengthening Congress and restoring the balance of powers as the Framers intended.

The proliferation of executive action under the Biden administration makes it all the more important that Congress work to restore the balance of powers and reign in executive overreach. In his first 100 days, [President Biden](#) signed a record 42 Executive Orders (EOs), and has signed a total of 66 EOs during his first year in office. Many of these EOs, especially those regarding [healthcare](#) and [energy](#), should have been considered through a democratic, legislative process rather than

being implemented through executive fiat. Congress should make it a priority to provide the resources necessary to effectively counterbalance this increase in executive action.

Furthermore, with midterm elections just around the corner, Congress should prepare now for the possibility of a divided government. Should Democrats lose their slim majority, it is essential that the legislative branch has the resources and personnel they require on day one. Delaying this priority could seriously harm a divided Congress' legislative and oversight capabilities during a time of transition and divided government.

Reclaiming Congress' constitutional role is no small task and will require a concerted effort by members, as well as serious investment in oversight and staffing. Yet, there are steps that can be taken now that will yield future dividends. One such area ripe for immediate improvement is the proportion of federal funding allocated for Article I functions.

In spite of the fact that our country faces a [\\$3 trillion budget deficit](#) for 2021 -- three times that of 2019 -- it is clear that Congress intends to continue spending at radical levels. The [Budget Resolution for FY 2022](#) includes a laundry list of new social spending programs, including universal pre-K and community college, as well as expanded tax breaks on everything from families to clean energy. This unsustainable fiscal path has [more than doubled](#) our national debt in only a decade, and yet there has been little discussion of a commensurate increase in funding for oversight or congressional operations.

While funding levels have risen across the board, Congress has consistently neglected to support the Legislative Branch's legislative and oversight capacities proportionately. Although budgets for the Capitol Police and the Architect of the Capitol have risen 300 and 400 percent respectively over the last 25 years, funding levels for the Congressional Budget Office (CBO), Government Accountability

Office (GAO), and committee operations have remained flat. Facilities and security should certainly be funded appropriately, but these areas should not take precedence over Congress' core functions of legislating, conducting oversight, and assisting constituents.

As Congress continues to negotiate the final details of the federal budget for FY 2022, we strongly urge the Committee to allocate an increased share of resources from the discretionary spending pool for Article I responsibilities. A larger proportion of funds should be appropriated to the Legislative Branch, including the GAO, CBO, Congressional Research Service (CRS), and to Congress itself to strengthen personal office and Committee staff budgets.

GAO is particularly deserving of increased resources. As the primary Congressional watchdog, GAO has historically yielded an enormous return on investment. Spending just [\\$656 million](#) in 2020, the [GAO estimated](#) that their “work yielded about \$77.6 billion in financial benefits -- a return of about \$114 for every dollar invested.” As a nonpartisan agency, GAO is also perfectly positioned to provide concrete results during a time of hyperpartisanship and gridlock. Given their track record for effective oversight and substantial savings, Congress should fully fund the GAO's [\\$744.3 million](#) request for FY 2022.

Another area requiring additional investment is congressional staffing. As numerous reports have shown, Congress is understaffed and overworked, leading to high turnover and brain drain. In fact, total staff levels for the House of Representatives have dropped [14 percent since 2009](#), and most staff positions in House member offices turn over [every two years](#). Retaining experienced staff is essential to promoting effective legislating and oversight, and a lack of investment in staffing has enabled the transfer of many Article I authorities to the Executive Branch. If Congress is to stand up to the administrative state without being outmanned and outgunned, it must invest in the staff that bring the experience and authority required.

To reiterate, while we urge the Committee to increase funding for policymaking and oversight, we do not wish to see more new spending. Instead of directly appropriating more taxpayer dollars, Congress should increase the proportion of funding already allocated under the Budget Resolution dedicated to these functions. If Congress is intent on continuing to spend with reckless abandon, it should at least commensurately fund its oversight and legislative capacities within the existing funding levels.

Rebuilding Congress to its former strength and reasserting its constitutional role is essential to a proper and accountable government. We urge you to support this important mission of restoring Congress as the first branch among equals with the resources and capabilities necessary to continue building a more perfect union.

Thank you for your time and consideration.

Sincerely,

Zach Graves, Head of Policy, Lincoln Network

TechFreedom

Jon Schweppe, Director of Policy, American Principles Project

Kevin R. Kosar, Senior Fellow, American Enterprise Institute

Roslyn Layton, Co-Founder, China Tech Threat

Jonathan Bydlak, Director of the Governance Program, R Street Institute

Jason Pye, Director of Rule of Law Initiatives, Due Process Institute (for
identification purposes only)