

March 1, 2023

Hon. Kevin McCarthy  
Speaker  
U.S. House of Representatives  
2468 Rayburn House Office Building  
Washington, DC 20515

**Re: Strengthening Article I with Policy and Oversight Capacity**

Dear Speaker McCarthy and members of the House Republican Conference:

We, the undersigned right-of-center organizations and individuals, recommend strengthening the legislative branch and its capacity for policymaking and oversight in the 118th Congress.

The United States faces significant challenges: Americans are struggling to pay their bills as the value of their dollars is eroded by inflation;<sup>1</sup> the federal government remains on an unsustainable fiscal path, operating large deficits in recent fiscal years and facing ballooning obligations;<sup>2</sup> and great-power rivals are leveraging technological change to threaten our national security.<sup>3</sup> As the challenges confronting the United States grow, so do the policy demands facing the federal government.

The Constitution delegates the primary responsibility for making the nation's laws to Congress as the people's elected representatives. But for decades, Congress has ceded too many of its constitutional responsibilities to the executive branch, as shown by the growth of the Code of Federal Regulations from 73,000 pages in 1976<sup>4</sup> to more than 185,000 pages today.<sup>5</sup> As a result of this abdication of responsibility, an increasing number of policies are established by unaccountable bureaucrats and implemented by administrators and contractors without the appropriate oversight of our elected representatives.

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<sup>1</sup> Jessica Dickler, "['Life Is Getting More Expensive by the Day.' Amid Inflation, 32% of Americans Are Struggling to Pay Their Bills](#)," CNBC, October 10, 2022.

<sup>2</sup> Government Accountability Office, GAO-22-105376, [The Nation's Fiscal Health: Federal Action Critical to Pivot toward Fiscal Sustainability](#) (2022).

<sup>3</sup> Office of the Director of National Intelligence, [Annual Threat Assessment of the U.S. Intelligence Community](#) (2022).

<sup>4</sup> See Phillip Wallach and Kevin R. Kosar, "[The Case for a Congressional Regulation Office](#)," *National Affairs* (Fall 2016).

<sup>5</sup> *Ibid.*; Clyde Wayne Crews, "[Tens of Thousands of Pages and Rules in the Federal Register](#)," Competitive Enterprise Institute, June 30, 2021.

Congress must fulfill its Article I duties as intended by the Constitution’s Framers to restore balance among the three coequal branches of the federal government and confront today’s policy challenges. Our elected representatives must reclaim their powers by asserting congressional authority over regulations and regulators, leveraging the power of the purse, restoring congressional oversight, limiting overly broad executive powers, and reducing deference to executive agencies. To address today’s policy challenges, Congress must also undertake additional research, increase its expertise, and restore robust debate to the federal policy process.

But Congress cannot meet these obligations without additional resources. Staff capacity and other support available to members of the legislative branch have fallen in recent decades:<sup>6</sup> the number of House committee staff, for example, declined from more than 2,000 in the early 1990s to 1,320 in 2021.<sup>7</sup> And while the 117th Congress wisely increased funding for the legislative branch activities to \$5.9 billion in fiscal year 2022<sup>8</sup>, its funding pales in comparison to the scale of its responsibilities.

To put that sum into perspective, the executive branch spent more than \$5.85 trillion in fiscal year 2022.<sup>9</sup> The combined revenues of the top three American technology companies alone totaled more than \$1.17 trillion<sup>10</sup> in the same time period—three companies in a single sector of the American economy generated more revenue than Congress invested in itself.

Congress needs additional funding to hire and retain staff who can provide the expertise necessary to hold the administrative state accountable and effectively engage with private-sector innovators without being overmatched or outmaneuvered.

Recent legislation suggests that Congress is beginning to recognize this necessity.<sup>11</sup> In 2022, Congress provided funding increases for the legislative branch in the FY2023 Omnibus bill,<sup>12</sup> including a 10 percent funding increase for GAO,<sup>13</sup> and we urge the members of the 118th Congress to continue supporting these investments. Furthermore, given the dire situation our

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<sup>6</sup> R. Eric Petersen, Congressional Research Service, R43947, [House of Representatives Staff Levels in Member, Committee, Leadership, and Other Offices, 1977-2021](#) (2021).

<sup>7</sup> Ibid.

<sup>8</sup> Congressional Research Service, [“Legislative Branch: FY2023 Appropriations,”](#) October 27, 2022.

<sup>9</sup> [White House Historical Tables.](#)

<sup>10</sup> [“Amazon Revenue 2010–2022,”](#) Macrotrends, accessed October 31, 2022; [“Apple Revenue 2010–2022,”](#) Macrotrends, accessed October 31, 2022; and [“Alphabet Revenue 2010–2022,”](#) Macrotrends, accessed October 31, 2022.

<sup>11</sup> Ibid.; Government Accountability Office, GAO-22-4SP, [Performance and Accountability Report Fiscal Year 2021](#) (2022).

<sup>12</sup> Taylor Swift, [“Legislative Branch Funding Breakdown in the FY 2023 Omnibus Bill,”](#) First Branch Forecast, January 5, 2023.

<sup>13</sup> Legislative Branch Appropriations Act, H.R. 8237, 117th Cong. (2022).

nation's finances are in, we encourage Congress to offset any investment in legislative branch capacity with an equivalent reduction in other parts of the federal budget.

Strengthening Congress's oversight and legislative capacity is essential to balancing the unprecedented growth of federal spending during the pandemic and resisting the Biden administration's agenda to further expand the size and scope of the federal government. Moreover, Congress must fulfill its constitutional responsibility to use the legislative and deliberative process to achieve a common understanding of the nation's challenges and develop a policy agenda to address them.

Holding the federal government accountable and putting it back to work on behalf of the American people requires a stronger Congress with the capacity to achieve a governing consensus that will strengthen American economic and national security. We urge you to strengthen the legislative branch so that Congress may fulfill its constitutional responsibilities to defend our Republic.

Sincerely,

Zach Graves  
Executive Director, Lincoln Network

Andrew Lautz  
Director of Federal Policy, National Taxpayers Union

Jason Pye\*  
Director of Rule of Law Initiatives, Due Process Institute

Kevin R. Kosar\*  
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