



A BETTER WAY

OUR VISION FOR A CONFIDENT AMERICA

A Better Way to Do the People's Business

Frequently Asked Questions

Q: Why do we need a better way to do the people's business?

A: Just as the size of government has grown, so has its arrogance. Washington spends money it isn't authorized to spend. It takes power it isn't given. It ignores laws it is required to execute. It doesn't listen, and it certainly doesn't care to learn. The Founders insisted on a separation of powers to protect our constitutional liberties. But over time, especially in recent decades, the executive branch has collected more power for itself, enabled by a judiciary that defers to the bureaucracy and a Congress that has yielded some of its most fundamental duties. This collection of power weakens the voice of the people and the integrity of the Constitution itself.

Q: What is your vision for a better way to do the people's business?

A: A constitutional government is a good, fair, and decent government—one that listens to the people and promotes their well-being. It makes sure that each of us has the biggest role to play in our lives. Instead of trying to find every which way to bypass the will of the people, it abides by the consent of the governed.

Q: What are some ideas to make this happen?

A: This plan includes at least 31 ideas to restore self-government and the separation of powers. Congress must start writing laws in clear language with clear lines of authority. We must make sure agencies and bureaucracies adhere to the letter of the law. We must use our constitutional checks on spending by revitalizing the appropriations process from start to finish. We must make the government catch up with the times, and provide real transparency – after all, this is the people's business.

SPENDING

Q: How does this plan address states' rights?

A: A stronger Congress can better preserve the rights of states to engage in more local decision-making by placing stricter limits on executive action. The proposals would give Congress the ability to better rein in the executive branch as a whole, including excessive involvement in areas better left to the states. In addition, we have identified that more meaningful consultation with relevant state and local governments should occur before a regulation is proposed.

Q: How does this plan address the need to sunset programs?

A: Our plan calls on all committees to immediately begin a review of all unauthorized appropriations within their jurisdictions and include their findings and recommendations as committee oversight plans, which are required under House rules. Oversight plans are marked up at the beginning of each Congress, which will also allow members of each committee to play a role in shaping those recommendations. We believe these recommendations are an essential step in getting this problem under control.

Q: How does this plan address unauthorized spending?

A: Our plan calls on all committees to immediately begin a review of all unauthorized appropriations within their jurisdictions and include their findings and recommendations as committee oversight plans. Under the standing rules of the House, any member may offer an amendment to strike any provision of an appropriations bill—218 members can strike any unauthorized appropriation. In addition to the standing rules of the House, we also have the Arme y Protocol, which originated in the mid-90s. The Arme y protocol preserves the prerogatives of the authorizing committees by allowing chairs to request that the Rules Committee expose a legislative provision or an unauthorized appropriation to a point of order. Every member can and should work with the authorization chairman about when and how to exercise this prerogative, so that it works as a precision tool, rather than a blunt instrument that might otherwise undercut national security, veterans' benefits, or health research.

Q: How does this plan address mandatory spending?

A: Our plan includes ideas to increase oversight and accountability over all federal programs, agencies, and departments. We have also called on every committee to evaluate spending that is currently outside of the annual appropriations process and to make recommendations on the appropriate disposition or budgetary treatment of those programs. This report calls for a full-scale review of mandatory and off-budget spending for the first time in recent memory, and sets out a framework for all committees to bring mandatory and direct spending programs back under the fiscal control of Congress. This would be a fundamental shift in the direction of government, which, over the past decades has seen uncontrolled spending increase to two-thirds of the federal budget.

REGULATIONS**Q: How do we empower committees to approve proposed regulations?**

A: Our plan advocates a number of ways in which individual committees can exercise stronger oversight of proposed regulations, including a requirement that agencies consult their authorizing committees before proposing new rules and the use of aggressive oversight, appropriations limitations, and even supplemental substantive legislation to block problem proposed regulations from ever being finalized. While we want to strengthen the role of every committee in helping to provide necessary oversight and accountability over federal regulations, we need to ensure that committees work collaboratively as coequals to find the best solutions.

Q: How do we empower Congress to stop bad regulations before they take effect?

A: Our plan includes several ideas to limit rulemaking authority, ensure that congressional intent is preserved through the rulemaking process, and enhance Congress's authority to check major rules and midnight rules with up-or-down votes. However, the sheer number of all rules being proposed by the executive branch in the modern era would overwhelm the House floor and crowd out our ability to move our agenda for the American people, if Congress were required to have a vote on every one of them. For rules other than major rules and midnight rules, our plan emphasizes effective ways in which Congress can proactively reduce the flow of smaller regulations, rather than chase the flow after the fact.

Q: The Courts and the executive branch are routinely ignoring congressional intent when implementing and upholding the law. How does this plan ensure that congressional intent is upheld?

A: Our plan includes numerous ideas to strengthen the other branches' adherence to congressional intent. These include reforms to the Administrative Procedure Act, a requirement to consult with authorizing committees about new proposed regulations, strengthened abilities for Congress to deny approval to major rules and midnight rules, increased use of aggressive oversight, appropriations limitations, and even supplemental substantive legislation to block problem proposed regulations from ever being finalized, strengthened oversight of agencies that issue significant new rules without public comment, authority for courts to hold invalid and ineffective regulations agencies failed to submit to Congress under the Congressional Review Act, and an end to judicial deference to agency interpretations of statutes. Above and beyond that, our plan advocates best legislative practices that will help to limit the number of statutory grants of rulemaking authority to agencies, helping to prevent the agencies from even having the opportunity to issue new regulations that depart from congressional intent.

OVERSIGHT**Q: What kind of data would this plan help make available?**

A: Here's one example: The amount the government spends on grants amounts to nearly 17 percent of federal outlays. Yet it is still difficult to track information on grant recipients and why those awards were selected. Our plan requires agencies to publish more data online in an accessible and easy-to-use format.

Q: How does this plan help ensure congressional subpoenas are enforced

A: Our recommendations include strengthening the power of congressional subpoenas by imposing specific statutory requirements on the executive branch and expediting the process for court enforcement of subpoenas. This will give the executive branch a greater incentive to comply with subpoenas in a faster time period and give Congress a greater ability to obtain the materials it needs to perform its constitutional oversight duties.