



# 2020 POLICY PLATFORM

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# PREAMBLE

With this platform, we the Republican Party reaffirm the principles that unite us in liberty and freedom.

We believe in the United States of America and the principles of its founding.

We believe in the Constitution of the United States and the revolutionary principle upon which it rests, that the true power in any society rests with We, The People.

We believe the Constitution was written not as a flexible document, but as an enduring agreement between generations.

We believe the greatest threat to liberty is the expansion of government and that to safeguard American freedom, our system of checks and balances, federalism, and separation of power must be preserved.

We believe in fiscal restraint and recognize the lasting danger of unbalanced budgets and growing debt.

We believe economic liberty and free markets go hand in hand with political freedom.

We believe that the free flow of goods and services will foster better relations abroad and allows American consumers more financial flexibility and security.

We believe that individuals are better stewards of their own resources than the federal government.

We believe in the power of markets, absent from the interference of government, to create the most efficient means for economic security for Americans across the country.

We believe that America can stand as an example of liberty for all the world to see.

We believe in championing the self determination of all people and that the federal government should refrain from imposing its will on communities both outside and within its borders.

As Americans, as Republicans, and as believers in the fundamental principle of liberty, we recognize the importance of these beliefs.

Based on these principles, the following platform serves as both a roadmap for success and an invitation to all Americans to demand that their government defend their liberty with the utmost fervor.

This platform remains optimistic, for since its founding, the flame of liberty has never been extinguished in America, and the tradition of freedom is stronger here than in any nation on Earth.

Americans come from many different backgrounds and have a wide variety of experiences, yet the message of liberty resonates in all of our hearts.

This platform expresses clearly the path to achieving this dream, which allows the American people to create their own ideal life, unencumbered by government restraints.

The President has ushered in unprecedented levels of deregulation and reaffirmed that unelected bureaucrats are not, nor should they be, the arbiters of economic activity.

This deregulatory agenda speaks to so many who have been left behind as the government selects winners and losers.

The President has asserted that great nations like our own do not fight endless wars and has, in many cases, opted for diplomacy rather than expensive armed conflicts.

The President, and the Republican Party, have passed long overdue tax reform to allow the American people to keep more of their hard-earned money.

The President has nominated qualified individuals to cabinet posts and for judicial seats, who will fight to curb the excesses of government.

There have been a great many strides in the right direction over the last four years, but the objective is far from accomplished.

Our nation continues to accumulate record levels of national debt and is once again on the path towards trillion dollar annual deficits.

Lawmakers in multiple branches of government routinely disregard the Constitution in the name

of national security and stand idly by as our civil liberties become increasingly eroded.

Too many supposed proponents of the free market support wasteful subsidies to prop up certain businesses at the expense of others, in the worst displays of cronyism.

We, as both Republicans and Americans, have work to do to ensure this does not continue. That is why this platform lays out consistent principles to empower the American people to reclaim their liberty from the hands of government.

It means limiting the power of unelected judges and bureaucrats.

It means the cessation of regulations that place unnecessary burdens on American businesses and consumers.

And, it means recognizing that the federal government does not adequately understand the needs and interests of disparate communities across the land and as such the power can and should rest with those communities.

This platform is a guide to actually returning power to the people and returning the Constitution to its original meaning, by fervently defending the rights granted within its text.

Every time we sing our national anthem, we are reminded that this is the “land of the free and the home of the brave.” We live up to that banner by speaking hard truths and demanding that government halt its power grab and restore power to those for whom the framers intended. That is the promise of America.



# UNLEASHING ECONOMIC FREEDOM AND THE FREE MARKET

## The Power of Markets

We are the party of economic freedom and believe in growing the economy by championing the private sector.

This is naturally accompanied by the belief that government should not attempt to create prosperity, nor is it capable of doing so. Any government intervention will naturally create economic inefficiencies, the consequences of which will fall squarely on the shoulders of the American people.

The Democratic Party tells the American people that the reason so many have been left behind in our current system is because of capitalism and greed. This is categorically false. The U.S. does not currently operate under a truly free market system. Despite the deregulatory successes of the Trump administration, the regulatory state still has mountains of red tape wrapped around almost every sector of the American economy. Furthermore, politicians continue to hand out crony subsidies and tax breaks to some companies and industries, which inevitably harm others. This does not allow for pure consumer choice, as the thumb of government remains firmly pressed on our nation's economic scales. So, while there is still plenty of room for market forces to thrive in America, the reason many continue to be left behind is because government has created conditions where it is impossible for so many everyday Americans to achieve economic self-determination.

In order to recognize this potential, the Republican Party needs to break the current paradigm that accepts burdensome regulations and wasteful subsidies as *fait accompli*. Both parties squabble over fiscal issues, but when the time comes to vote on spending bills with such wasteful subsidies and massive levels of spending, there is broad bipartisan consensus to spend more. It is this paradigm that keeps the American people bogged down in debt and economic insecurity. If the fate of the economy depends on arbitrary decisions by politicians in Washington, the market cannot operate freely. To break the paradigm, we need to champion an end to over-regulation, disavow wasteful subsidies, commit

to balancing the budget by cutting spending, and implement lower and simpler taxes.

## A Simpler Tax Code

The U.S. tax code is littered with deductions and credits that seek to socially engineer society by encouraging certain behaviors over others by offering economic incentives. This is not the proper role of the federal government. There are also too many tax brackets for the American people to navigate. Giving government back to the people means simplifying the tax code and leveling the playing field across the country.

While the Tax Cuts and Jobs Act of 2017 took great strides towards lowering tax rates and simplifying the tax code, there is still much to be desired. Republicans in Congress, as well as many Americans across the country, have rightly criticized the tax code for being too long and too complicated. The Tax Cuts and Jobs Act assuaged some of those issues, but was nevertheless a 168 page long bill that almost no Americans will have the time or resources to fully read or comprehend.

Lawmakers can build on that initial success by further simplifying the tax code. This can be done by decreasing the number of tax brackets for filers and eliminating deductions and credits that pick winners and losers in the tax code. The Tax Cuts and Jobs Act still left over seven tax brackets. Short of a nationwide flat tax, the number of brackets should be at least cut in half, so American citizens don't need to have an advanced degree in accounting or mathematics to know what they are going to get hit with at the end of the year.

Then-Speaker of the House Paul Ryan touted the goal of having Americans submit their tax returns on a piece of paper no larger than a postcard. We, as a party and as a nation, have a chance to go beyond that and strike a more ambitious blow for liberty. By reducing the number of tax rates and the number of complex deductions, the U.S. could make the Internal Revenue Service (IRS) irrelevant. With such a simplified tax code, taxation could be accomplished solely through withholdings or, at the very least, Speaker Ryan's postcard could be reduced to the



size of a mere index card. The array of deductions makes that dream impossible.

The Tax Cuts and Jobs Act rightly repealed the state and local tax deductions. These deductions encourage profligacy at the state and local level. State and local lawmakers can tax and spend at will and know that they will never be held accountable by their constituents as such waste can be used as a write off on their federal returns. It is not the proper role of the federal government to protect local lawmakers from scrutiny. In fact, Article I, Section 8 of the U.S. Constitution states that “all duties, imposts, and excises shall be uniform throughout the United States.” The federal government applying tax rates unequally based on a variety of state and local tax rates directly contradicts this constitutional provision. The federal government is not a safety net for wasteful local lawmakers, and any conservative or Republican who professes faith in fiscal restraint and the Constitution must oppose any and all efforts to reinstate these deductions.

While the Republican Party is the party of American families and champions economic independence for these families, it is counter to our mission to support a child tax credit. As Republicans, we rightly recognize that the government has no role in private family decisions. A child tax credit is the government encouraging childbirth, even for some families who may not be able to afford a child. American families should not have to make the choice between having children and having to pay extra on their yearly tax returns, nor should the government be the one to impose such a choice on them.

The tax code should be as simple and as straightforward as possible, with fewer brackets and fewer deductions that create an uneven playing field based on local factors and personal decisions.

## Lower Tax Rates

The American people should be allowed to keep as much of their hard earned income as possible. Lowering taxes gives them more individual flexibility and will spur investment and innovation in the U.S. economy. As it exists now, federal and state governments find both overt and subtle ways to confer unto themselves as much money from the American people as possible. As a party that prides itself on shrinking the size of government and lowering tax rates, we cannot become complacent

with the victories of the Tax Cuts and Jobs Act. There are still more opportunities to lower taxes.

Lower tax rates will allow Americans to decide how and when to save or invest their money. This is true flexibility, and this will create economic opportunity for those Americans living paycheck to paycheck.

The Tax Cuts and Jobs Act provided a substantial lowering of tax rates for individuals and families to provide that aforementioned flexibility. The Tax Cuts also helped businesses. In the wake of the new tax framework, businesses across the country announced the raising of wages and the creation of new jobs. We also saw significant growth in GDP. With such benefits coming in such a small window of time, we need to double down on the successes of tax cuts and implement an even more ambitious, pro-growth tax code.

The Tax Cuts and Jobs Act also lowered the corporate tax rate substantially. However, American corporations still face some of the highest corporate tax rates amongst developed nations. This is a hindrance to private investment and hamstrings our corporations’ ability to compete on the global stage. We must seek to build on this progress to give our job creators the tools they need to continue to thrive.

Cutting taxes also reflects the understanding of our party and of the American people that every tax dollar that is kept out of the hands of government and put into the hands of private citizens is a step towards a freer society.

## Cutting Spending

Any tax cuts must also come with the understanding that they must accompany spending cuts of equal or larger value. Our country is caught in a spiral of tax cuts paired with spending increases. The inevitable skyrocketing of the deficits and the debt that follows creates skepticism towards tax cuts when the scrutiny should be directed at spending increases. The best way to unleash the full economic potential of tax cuts and to defend their merits in the public sphere is to also become the foremost champions of fiscal restraint and spending cuts. Otherwise, we as a party risk undermining our image as the party of responsibility.

We rightly condemned President Obama and the Democratic Party for their out of control spending, annual deficits that reached in the trillions, and

ballooning of the national debt. Now, we are faced with those same issues. Annual deficits will reach a trillion dollars in a matter of a couple years, and no substantive efforts have been waged to reduce the national debt, despite the massive national security threat it poses to our nation, and our future generations.

Any Republican platform that seeks to address federal spending must call for the balancing of the federal budget. Eventually, our debt will outgrow our GDP, which puts the nation in danger of going the way of Greece. Without a balanced budget, that debt will continue to grow to the point where we will have to borrow more and more money just to pay off the debt we already owe. This is unacceptable and the antithesis of fiscal conservatism.

There is no one singular way to accomplish this objective. This platform recommends a number of measures and approaches that would reduce government spending and get the government on a path to a balanced budget. There are also numerous provisions in each budget and in each spending bill that are full of waste and abuse and could be easily cut to save taxpayer dollars. There are also many unconstitutional appropriations that can and should be cut. Whatever the means, the end goal must be a truly balanced budget free of gimmicks. The fiscal health of our nation depends on it, lest we saddle future generations with crushing debt.

### **Conservative Entitlement Reform**

Medicare and Social Security encompass a large portion of the federal budget. Both programs are in trouble going ahead. The hospital trust fund of the former is expected to run out of money in approximately seven years, and the latter will no longer be able to afford the same level of benefits in the very near future. Like it or not, something will have to be done about these programs in order to avoid a fiscal calamity, or having our hand forced into more tax hikes.

Allowing seniors who neither want nor need Medicare to opt out of their benefits would be a simple step to reducing the cost of the program. If seniors want to continue on with their health savings accounts, they should be able to. A legislative or administrative solution would suffice and would give seniors the financial flexibility that is a staple of this platform.

Social Security will always be funded in some way, shape, or form by payroll taxes. However, with more and more retirees, the program cannot maintain its current level of benefits. We should be unafraid to make necessary and reasonable cuts. The average retiree has paid far less into the program than they are expected to receive. The Republican Party is the party of self-determination. This includes restricting government handouts and opposing solutions that include raising taxes, which is what would be necessary if the insolvency of Social Security is not addressed through common sense cuts.

### **Conservative Welfare Reform**

The Democrats' "War on Poverty" has been an abject failure, and has drained our nation of trillions of dollars since its inception. Our current system has mired millions of Americans in a cycle of dependence and poverty. A new American welfare policy needs to emphasize the dignity of work and self-dependence, instead of legitimizing the race to see whoever can give the most lucrative handout package.

Thus, work requirements for welfare must be the staple of this approach. Merely giving away money does not impart any resources or skills necessary to succeed in the American workplace. This creates welfare recipients who remain perpetually in poverty and continuously take taxpayer money.

Work requirements ensure that recipients get into paying jobs, job-training programs, or higher education. This will give them the tools they need to lift themselves out of poverty and into independence. Work requirements turn our nation's welfare framework from a charity operation into an investment in the most vulnerable among us.

This new system must also be absent of any potential loopholes or workarounds that can be used to diminish the impact of the work requirements. After the welfare reform of the Clinton-era, subsequent governments issued waivers or manipulated formulas to satisfy the work requirements without actually requiring that anyone work. We must demand transparency and accountability so that the spirit of work is adhered to strictly.

We must also hold true to our federalist principles in crafting a solution. The needs of some states will not be the same for other states. We must empower

states and localities to craft their own solutions and afford them as much flexibility to do so as possible.

As a party that champions economic self-dependence, this welfare reform must not punish success. Many welfare reform proposals suggest asset limits for recipients. This merely encourages spending and discourages saving, which will only exacerbate the problem. A sensible solution that phases out benefits over time will save taxpayers money and encourage success.

## Competitive Healthcare

The best way to drive down healthcare and drug costs for patients and caregivers across the country is to encourage competition in the pharmaceutical space. The free market cannot operate without sufficient competition. In the pharmaceutical industry, prices continue to rise and patients have fewer and fewer options from which to choose. This is both unacceptable and untenable.

Lawmakers must craft a policy approach that enables and encourages competition. Generic drug makers produce prescription drugs at a fraction of the cost of brand name companies, yet are often excluded from the marketplace due to patent abuse. We must assert that competition is what is best for patients, and enact a new framework which clarifies that no patent abuse will be tolerated and gives legal recourse to competitors so they can begin to market their products and offer more affordable alternatives.

We must also address back room rebates that prevent patients from knowing about discounts available to them and artificially raise the prices of drugs, regardless of demand. A truly free market requires informed consumers, with prices set based on supply and demand, not based on the interests of a middle man with a bottom line. We cannot achieve free market healthcare if consumers are misled about the costs of prescription medication and if they aren't presented with all the available options.

Health savings accounts are an effective way to get the government out of healthcare. These accounts let Americans put away tax-free money to be dedicated to their medical expenses. This puts the people in charge of their health plans, and not the government. Conservative, market based health reforms must be centered around this principle.

Any effort to reform healthcare must also include the repeal of Obamacare. It has been a pure disaster. It unconstitutionally required U.S. citizens to purchase health insurance, imposing a steep fine for refusing to do so. It also shifted an unreasonable burden onto younger, healthier patients, forcing them to subsidize the care of older patients with a higher utilization of care. Thankfully, the individual mandate was repealed, but there is still much work left to be done to bring the American healthcare system in line with the free market.

## Empowering the Future of Technology

Technology is innovating more quickly every year. The possibilities for the development of our nation are endless. The Internet has provided priceless benefits for America, and with more advancements on the horizon, it is all the more vital that government intervention not hinder the substantial progress that can be made.

The FCC rightly repealed its so-called “net neutrality” rules and reverted back to the previous framework. The Internet grew, innovated, and thrived so well under a light touch regulatory framework and has resumed doing so since restoring this framework. There is no need to abandon that approach. Doing so only risks setting America behind the rest of the world when it comes to technological advancements. America has been leading the way for many years. Any and all efforts to restore the heavy-handed regulatory regime of “net neutrality” should be resisted, whether it is legislatively or administratively. Rather, we should empower the private sector to come up with creative plans for consumers and compete to present the most affordable, robust, efficient plans.

Perhaps more so than any potential innovation before it, the development of fifth generation (5G) technology could transform the American economy. With great advancements, however, come potential risks. We need to cooperate with other countries and ensure the security of the devices of all Americans, while minimizing the role of government. Such solutions are most capably managed in the private sector. Any government intervention in the 5G space could deter investment and create uncertainty in the economy. Lawmakers must resist the temptation become too involved in the name of national security. Giving the private sector the space it needs to develop and roll out this technology could provide



innovations that have wide-ranging benefits for the entire world.

We can do so by liberating broadband spectrum to facilitate the deployment of 5G infrastructure. The government hoards far too much of this critical bandwidth that could be better used by the tech industry to create more advanced services for American citizens.

We should also resist the temptation to oppose mergers in the tech space. So long as there is sufficient competition in the marketplace, companies pooling their resources can only mean there will be actors in the space who are better equipped to reach as many consumers as possible with revolutionary technology. Instead we should stay out of their way and champion the innovation that will surely come along with it.

The Internet, and other modern technology, is no longer a luxury but a necessity for almost all Americans. Closing the digital divide between those with access and those without it should be a primary goal going forward. Empowering private sector leaders and placing trust in the free market is the best path forward to unleashing the full potential of American ingenuity in the technological sphere.

### **A More Open, Prosperous Trade Policy**

International trade is crucial to giving American businesses and consumers the best, most efficient products for their needs. A Republican economic policy emphasizes the need for the government to refrain from dictating what buyers and sellers can and cannot do with their resources. This includes refraining from protectionist measures that restrict trade across borders. Such policies only raise prices for American consumers and make our economy less efficient. This policy also requires elected leaders to put an end to existing protectionism already on the books.

The existence of trade agreements also provide more certainty for businesses and investors. Ongoing trade disputes between governments warp the market and are another way that government interferes in the workings of our free enterprise system. Instead of antagonizing foreign governments, we should seek to work with them to lower trade barriers wherever they exist. This will allow low-cost goods to come into America, and allow American consumers to spend less of their

income on everyday necessities, and invest more in the rest of our economy to spur rapid growth.

If there is one emphasis of this platform, it is that private entities, whether they be businesses or individuals, are better tuned to their needs than governments. Free trade allows these private entities to work together across international boundaries to create efficiencies in the market. Interference in this process will lead to an exodus of businesses from the United States, so they can go instead to nations that do not erect such barriers.

Recognizing that separation of powers is a cornerstone of our government and our Republic, we must demand that Congress have a role in overseeing the repeal or inception of any trade agreements or actions. As proponents of limited government, one person must not be allowed to unilaterally make decisions that impact broad swaths of the American and world economy.

America has a grand opportunity to build on the increased economic growth we have seen in recent years. With tax rates going down and technology advancing, establishing America as a free trade hub could send our economy soaring at heights previously thought too optimistic.

### **A Stable Dollar for a Strong Economy**

At its core, money is simply an agreement about the value of work. As Adam Smith put it, “the sole purpose of money is to circulate consumable goods.” For example, a fisherman wants a baker’s loaf of bread, but the baker wants the butcher’s cut of meat. Money is purely the means by which this three-way exchange can take place, by placing a concrete value on each good.

Every American earns dollars in exchange for the work they do, whether it is providing a service or producing a good. Similarly, every American accepts these dollars with the understanding that they hold value and will allow them to, in turn, go out and purchase goods and services that they need, like the fisher, the baker, and the butcher. Or, they can turn to the market and invest them in new ventures, with the hope that this effectively equates to buying dollars in the future.

It is easy to understand why we in America should seek to ensure that our money remains stable; that is, ensure that the dollar holds its value over time.

This will make our economy more prosperous, by bolstering investment, without which there would be no companies or jobs. While the deregulatory agenda and tax cuts of late have resulted in a boom for the economy that exists already, economics begins and ends with investment.

If there is no promise for investors that the money they invest in a business idea or a startup in any sector of the economy will result in a return greater than that which they invested, they will choose not to. When investors invest, they are buying future returns in dollars. If the dollar in the future is worth less than the dollar now — that is, devaluation occurs — investors will not invest.

The effect of this is a lack of growth of as well as a weakening of American industries across the board and resultant serious limitations on our industries' ability to compete on a global scale.

Reestablishing policies that will stabilize our currency and promote prosperity in every corner of America is the surefire way to achieve such an end. This is called "sound money."

### **A Free Market Immigration System - That Upholds The Rule Of Law**

The current political climate in Washington coupled with economic realities we are facing make staying on the sidelines on this debate irresponsible. The lion's share of the problems we face that relate to immigration is either a lack of enforcement of current law or gaps that exist because of congressional inaction. Our immigration system was designed in the 1960s and has been largely untouched since then. It should not be a surprise that our system is broken.

As a nation we need to urgently address the following enforcement measures:

First, secure the border. This was a central promise of the President and of almost all GOP members of the House and Senate in the 2018 elections. This has not been controversial in the past, and it should not be controversial now.

Second, tackle the visa overstay crisis by rigorously enforcing current laws and penalties for individuals who overstay their visas. Employers must comply with existing law, which mandates that they can hire only legal immigrants.

Finally, every entrant to our country should be screened for a minimum of two things. First, national security is paramount - we need to ensure those coming to our country do not pose a national security or public health threat. Second, we must screen for people who will assent to American ideals, such as a respect for the rule of law and protection of individual liberty.

### **Market-Based Environmental Solutions**

America's natural resources are of immense value and are worth protecting. Nothing in this platform should be construed as to suggest otherwise. Unfortunately, many in the Democratic Party use this fact to push for policies that would implement massive government controls over the economy and undermine free enterprise across the country. We cannot allow them to weaponize the environment to implement their big government, anti-capitalist agenda. Rather, as Republicans we should seek to find ways to allow the market to reduce emissions and find more efficient ways to protect our environment without infringing on the freedom of the American people.

Crafting a free market environmental policy must also come with the understanding that the United States is not the primary source of harmful pollutants. Many developing countries emit far more toxins than the U.S. However, Democrat lawmakers consistently seek solutions that result in international bodies who should have no jurisdiction in the U.S. imposing standards on the U.S. that are far tougher than those imposed on other nations. This is reflective of the fact that such agreements are meant to fundamentally alter the U.S. economic system, and are not directed at implementing environmental change.

A free market environmental policy requires a wholesale rejection of these international fiats. Instead, we should see that since President Trump pulled the U.S. out of the Paris Accords and implemented deregulatory measures, emissions have fallen in the United States. Businesses cannot innovate with the foot of government on their necks. If we provide them the adequate space and resources to make their companies more efficient, they will be able to craft solutions to reduce emissions and boost the U.S. economy at the same time.

As this platform clearly stated earlier, Republicans must vehemently oppose any and all efforts by government to impose excessive taxes on the American people. That is why we must stand together to reject any form of a carbon tax. A carbon tax would devastate American small businesses and bleed middle class Americans who can't yet afford more sophisticated technology that reduces carbon emissions. As previously stated, allowing the market to innovate will create cheaper, more environmentally-friendly alternatives without taxing the American people. This should be the guiding principle for American environmental policy.

### **Lifting Up America's Small Farmers**

Small farmers are the backbone of our nation. They raise the crops and livestock that put food on our tables and clothes on our backs. This job is not easy and comes with a lot of risk. They work hard for us, and we need to make sure our policy supports them. We can accomplish this by staying out of their way and letting them run their operations on their own terms.

Our current agricultural policy spends millions of dollars on wasteful subsidies for various commodities. Proponents of this waste say it is to help small farmers and cite the aforementioned risk these farmers incur to justify it. However, farm subsidies accomplish just the opposite. The vast majority of them flow to the largest farms and agri-businesses in our nation, and isolate them from competition. This inhibits the ability for families and couples starting their own farms to be profitable. The goal of our farm policy should not be to insulate wealthy ventures from market forces. Rather, it should be to empower our small farmers to compete on a level playing field, and not give special treatment to certain crops and certain farms based on crony special interests.

We can also help our nation's small farmers by putting conditions on the aid we do distribute. The current subsidies have only a superficial means test that is easily flouted, and contain provisions that allow so-called "farm managers" who have never actually spent a day working on a farm to collect money hand over fist at the expense of actual farmers who are used as political props by those who want to line the pockets of wealthy businessmen. Given what our nation's farmers provide for us, they deserve far better than how they are currently being treated.

Farmers are also used to justify massive welfare expenditures on food stamps by the Supplemental Nutrition Assistance Program (SNAP). SNAP comprises a vast majority of all spending in the Farm Bill. Our Farm Bill should live up to its name and set policy that actually benefits farmers. Instead it is used as a vehicle to pass unconstitutional waste through SNAP. We must work to reform SNAP by instituting common sense work requirements, stricter means tests, and other cost cutting measures. SNAP should also finally be decoupled from the Farm Bill, so lawmakers can focus on policy prescriptions that will benefit farmers, ranchers, and no one else.

One of these policy changes will be to continue efforts to reform and repeal the Waters of the United States (WOTUS) rule. This rule allows government regulators to exercise jurisdiction over puddles, ditches, and streams that may run through farms and ranches. This allows the government to micromanage privately-held property. This disastrous policy must be reversed and our policy must be brought in line with the principles set forth by the late Justice Antonin Scalia in his dissent in *Rapanos v. United States*. This will give farmers and ranchers the flexibility they need to succeed and to operate their land as they see fit.

We can also help our farmers not by offering subsidies or bailouts, but by opening up our trade policy to expand the demand for U.S. agricultural commodities to overseas markets. Historically, protectionism has hurt U.S. farmers, and we must not repeat those mistakes.

Farmers and ranchers seek to lead a simple life, away from the sprawl of our cities. Government micromanagement of their land and of their markets prevent them from doing so and make it harder for them to provide for their families and for the nation.

### **Energy to the People**

Utility monopolies provide consumers with few options and raise their monthly cost of living. This is unsustainable for many families who live paycheck to paycheck. We need to encourage competition to provide cheaper options for Americans and allow the free market to provide such options. We must also craft a policy with the knowledge that the energy needs and capabilities of one state will vastly differ from those of others.

We need to empower consumers who wish to do so to become producers of their own electricity, through whatever innovative means they choose. They can then sell that power back to the grid. In this way we allow families to produce their own power, cut costs, and take their energy needs into their own hands.

The goal of energy competition can be accomplished through the implementation of

policies that foster competition. This means allowing consumers to pursue options outside of existing monopolies, and refraining from subsidies that boost one industry at the expense of others. We, as Republicans, do not oppose green energy such as wind and solar power. What we should vehemently oppose is using taxpayer dollars to support these industries if they cannot be commercially successful on their own.



# RESTORING CONSTITUTIONAL LIMITS

## We The People

The Republican Party is the party of the United States Constitution, and we stand for the principles enshrined by the framers of that sacred document. We believe each individual is bestowed with rights that may not be violated by any person or government. The Constitution enshrines these political and human rights and sets boundaries for federal and state governments. It also sets forth the principles of limited government, separation of powers, and individual liberty. As a party that professes to stand for and behind this document, we must make policy that respects each and every one of the limitations set forth in it and we must do so in the manner prescribed.

Unfortunately, the Constitution and the vision of freedom and liberty it represents is under threat from multiple sources. Activist judges are legislating from the bench by deciding pivotal cases based on their personal political preferences, as opposed to adhering to what the framers of our Constitution originally intended when they wrote it. We see unelected government bureaucrats imposing law by fiat, while there is little to no oversight of this unsanctioned “fourth branch of government.” Congress has ceded far too much of their Article I authority to these agencies and to the executive branch as a whole. This vests far too much power in a unilateral executive and is ripe for abuse. Politicians from almost every background and creed ignore the Constitution to suit their own political interests. Whether it be appropriating unconstitutional funds to satisfy special interests, eroding civil liberties in the name of national security, or disregarding the proper role of state and local governments, the Constitution has been placed in the periphery in our national discourse. As Republicans and as constitutionalists, we have a duty to reverse this trend.

## An Originalist Judiciary

The only litmus test that should be imposed on judicial nominees is whether or not they will decide cases based on the Constitution, and then getting at the heart of what that means to them. Whether something is or is not constitutionally sanctioned should be based on the text of the document, and

the original understanding of what each provision meant when it was enacted. The Constitution is not a malleable document, whose meaning, limitations, and prescriptions change over time. Any nominee to the federal judiciary needs to understand this and pledge to be guided by this vision on the bench.

The judiciary is meant to be the last line of defense against government overreach and unconstitutional action. Judges are not meant to repeal laws they don't like or uphold the constitutionality of government excesses merely because these excesses achieve their preferred ends. In the words of President Trump's first Supreme Court nominee, Supreme Court Justice Neil Gorsuch, “A judge who likes every result he reaches is very likely a bad judge.” This is the standard to which all federal judges should be held.

Over the last few years, we have begun to remake the federal judiciary in this image. President Trump has nominated and the Senate has confirmed a record number of federal judges who subscribe to the doctrine of originalism and have a strict view of the Constitution. This is important. The fate of the country and the rights of our citizens should not be dependent on which cases come before which courts at which time. On the contrary, it should be guided by an adherence to the Constitution and a healthy respect for individual liberty and limited government.

This is why it must be of the highest priority to get as many qualified originalist jurists confirmed as possible. As the party of our founding principles, there are fewer fights more integral to our platform and mission than the fight to preserve the original integrity of the Constitution.

## Reining in the Administrative State

The Constitution grants all legislative power in the United States to Congress, the aptly named legislative branch of our government. However, under the faulty judicial precedent of “Chevron deference,” Congress has delegated more and more of its authority to unelected executive branch bureaucrats. Now, this unenumerated “fourth branch” of government imposes a wide variety of rules in the name of executing laws that govern American life with little to no accountability or



oversight by the American people.

Congress needs to reclaim its proper role as the legislative authority in this country. This means leading the way on tough issues, instead of waiting for regulatory agencies to deal with them first. Despite the radical overreach at the administrative level, the consistent inaction by congressional leaders has precipitated this crisis. Congress must also use the powers available to them under the Congressional Review Act to repeal harmful regulations and pass new legislation allowing for more thorough reviews of executive branch rulemakings. Lastly, the Senate, in its confirmation proceedings, must ensure that any presidential Cabinet nominee respects the proper distribution of power and that Article I places Congress ahead of them when it comes to making law.

### **Absolute Defense of Free Speech Rights**

The First Amendment is one of the most important bedrocks of our Republic. It gives the American people the right to devote their time, money, and resources to whatever cause they see fit, and the government may not interfere with that sacred right. We oppose any and all restrictions on it. Any attempt to limit the First Amendment would only help the political establishment and diminish the voice of the people.

This would be the effect of proposed Democratic initiatives - often marketed as "campaign finance reform" - to limit the ability of American citizens to donate to political causes and campaigns. Requiring private organizations to publicly disclose their donors would serve as a massive deterrent to constitutionally-protected political speech. As the party of our nation's founding principles, we recognize that the Constitution and the Bill of Rights were framed by men exchanging ideas under pseudonyms in the Federalist Papers. It should not be the policy of the United States to open up private citizens to intimidation for their political beliefs.

We also believe that no citizen should be forced to devote their taxpayer dollars to causes they oppose. That is what would be accomplished if the Democrats have their way. Forcing public matching of certain campaign donations will raise taxes on the American people and require some to subsidize their political opponents. This is unacceptable. On this topic, our third President, and the author of the

Declaration of Independence, Thomas Jefferson had this to say, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical." This is the approach we need to take to this issue and make it politically toxic for any politician, left or right, to push for policies that would limit free speech, especially in this manner.

Furthermore, the administration of our elections, whether in oversight of polling places or at the Federal Elections Commission (FEC), should never be politicized. The First Amendment and the right to vote go hand in hand. Supporting the First Amendment requires us to oppose Democratic efforts to make the FEC a partisan body, or to allow partisan bureaucrats to monitor polling activity.

Dialogue makes our country healthier and our Republic stronger. We should support any effort to foster such dialogue on issues and ideas that we both agree and disagree with. This discourse is what sets America apart from some of the more totalitarian governments of the world.

### **Civil Liberties and the Fourth Amendment**

The Fourth Amendment establishes the "right of the people to be secure in their houses, papers, and effects, against unreasonable searches and seizures." Being the party of the Constitution and limited government, we must oppose warrantless surveillance of American citizens through bulk data collection programs.

In recent years, numerous revelations have come to light about abuses of authority within the U.S. intelligence community. The private data of millions of American citizens were being improperly seized. Unfortunately, no meaningful reforms have been enacted since those revelations. Many government officials resist reform by citing national security concerns. We must speak the truth. Perhaps the greatest threat to our national security is simply the erosion of our Constitution. If we violate the Constitution to create a vast security apparatus, there will no longer be a viable Republic to secure.

We need to push for meaningful reforms of the PATRIOT Act, the Foreign Intelligence Surveillance Act (FISA), and the Electronic Communications Privacy Act (ECPA). We also need to demand increased accountability from agencies that are

carrying out this domestic spying. We need to know what is going on, what information is being targeted, and just how widespread this problem is. With agencies refusing to provide information and lawmakers failing to hold them to account, learning this has been impossible. Over the next four years, we have the opportunity to change this paradigm.

It must also be emphasized that such spying has an adverse impact on the American economy. As the tech industry grows and continues to thrive, they continue to demand products and services that protect the privacy of their customers. As a result, new businesses will be hesitant to come to America if they think their information will be compromised and susceptible to hacking by the government. This makes America a risky investment opportunity for tech firms and will deprive our consumers of vital resources and our economy of jobs if policies aren't changed.

### **Life, Liberty, and Property**

The Fifth Amendment guarantees that no American citizen may "be deprived of life, liberty, or property without due process of law." Unfortunately, this has been undermined by lawmakers who support abuse of policies such as eminent domain, which allows the government to seize someone's home or their land for public use. The Fifth Amendment was further damaged by the decision in the Kelo case before the Supreme Court, which actually legitimized this practice and extended it so that governments could seize property and transfer it to private entities. This is ripe for abuse and cronyism.

We call on state legislators across the country to pass laws and constitutional amendments in their states to nullify Kelo. Members of Congress should also pass laws affirming property rights in America and limiting the ability of the federal government to seize property for illegitimate purposes and ensure that, when such measures are taken, the victims are justly compensated at an actually fair market value, not in name only.

In the same vein, the abuse of civil asset forfeiture must come to an end. This seizure of private property to assist in an investigation without due process and, in many cases, without the possibility to retrieve said property is fundamentally un-American. Congress must set boundaries for federal law enforcement and local governments must do the

same to clarify what is an acceptable justification to seize property and what is an abuse of the rights of the American citizenry. Again, our law enforcement personnel have nothing to protect if the Constitution has been eroded.

Many lump intellectual property rights in with the Fifth Amendment and also point to the Article I stipulation that Congress may pass laws to protect authors' and inventors' "exclusive right to their respective writings and discoveries." While it is very important to promote entrepreneurship and incentivize innovators by allowing them to profit from their works, this should not be construed as an endorsement of patent abuse. Patents are essentially government granted monopolies. As proponents of free markets and competition, we should not support the imposition of these monopolies for any longer than necessary. The Intellectual Property clause of the Constitution allows for such protections, but does not mandate them, nor does it prescribe a length of time. Therefore, we must ensure such grants are limited in scope and prevent their artificial extension through legal loopholes. This will spur competition in the marketplace and provide consumers more options at more affordable prices.

### **Federalism and the Tenth Amendment**

The federal government does not know what is best for the American people. One size fits all solutions will not work for our country. Ours is a nation of vastly different landscapes, with people from all different backgrounds, and each locality comes with its own unique set of needs. This is why the framers, in their wisdom, set out very narrow, defined powers for the federal government and left the rest to state governments.

Unfortunately, too many lawmakers at the federal level have tried to expand the meaning of the commerce clause, the general welfare clause, and the necessary and proper clause of the Constitution to fit their agenda and deprive the states of their right to set law for their constituents. Throughout the Constitution, the framers enumerate specific powers to each branch of government. It is patently false to assume that in some clauses they intended to give federal lawmakers a broad grant of overarching power. The entire purpose of the American revolution was to break free of a government that didn't respect or understand the needs of the people

far from the center of power. There is no reason to believe the framers would have built a framework that would allow for a return to such issues.

Federalism is also the ultimate assertion of market power. Instead of creating a unitary system, people can choose which type of state in which they would like to live. Some may choose a more progressive state, and others more conservative ones, with varying options in the middle. Asserting the federalist nature of our Republic is, in one of the purest senses, giving consumers (in this case, our citizenry) more options in the marketplace of our nation. This will allow as many Americans as possible to live as they choose without interference. That is one of the hallmarks of the American dream.

### **A Constitutional Foreign Policy**

One of the powers delegated to Congress by Article I, Section 8 of the Constitution is the power to declare war. While the President is the commander in chief of the armed forces, he can only act as such when our troops are “called into actual service” by the Congress. The framers were very clear with this delegation as they believed “the Executive is the branch of power most interested in war, and most prone to it.” Thus, to maintain a healthy separation of powers, they vested the ability to initiate armed conflict with the legislative branch, the most deliberative body of U.S. government.

Despite this clear distinction, the U.S. has not formally declared war in decades, but has nevertheless engaged in multiple wars in dozens of nations since then. As the framers predicted, the executive branch has been the most prone to war. However, Congress has refused to exercise its constitutional duty to debate the pros and cons of these conflicts and has instead allowed the executive branch to impose its will on the world without any oversight, to the detriment of our international standing.

The 2001 Authorized Use of Military Force (AUMF) has been thoroughly abused since its inception. It was meant to respond to those who attacked us on September 11, 2001, but has been perverted into a rubber stamp for any military intervention regardless of how shallow the arguments in favor of it may be. This AUMF must be repealed immediately, so Congress can finally re-assume its role in declaring war with foreign nations and entities.

These unconstitutional, undeclared wars are also costing our nation trillions of dollars. Given the threat our national debt poses to our national security, our military endeavors abroad are actually making our nation less safe by putting us on more unstable fiscal ground.

Our foreign policy should reflect the words of former President John Quincy Adams, America “goes not abroad, in search of monsters to destroy... [and] well knows that by once enlisting under other banners than her own, were they even the banners of foreign independence, she would involve herself beyond the power of extrication.” At the very least, if America is insistent upon involving itself in the affairs of foreign nations, it must come only after thorough debate and an affirmative vote in both chambers of Congress.

### **Reclaim the Power of the Purse**

Another way Congress has ceded authority to other parts of the government is in refusing to properly exercise its power of the purse. Constitutionally, no government programs may operate without funding appropriated by Congress. However, this has not been the reality in recent years. Members of Congress, for one reason or another, feel obligated to fund and overfund programs with which they disagree, or which violate the Constitution. This is a role reversal in the appropriations process. It is Congress who should be in the driver’s seat, and other areas of government should take a back seat.

As has been detailed at numerous points throughout this platform, there are so many ways to reduce spending levels to balance our budget and reduce our debt. However, Congress seems unable or unwilling to withhold funding from obsolete, unnecessary, or unconstitutional programs. A key part of balancing the budget will require Congress to take a careful accounting of what is needed and what is not, and make occasionally difficult decisions to defund certain programs, or come up short of funding requests from various agencies. This is precisely Congress’ proper constitutional role. They have no obligation to fill every funding request or to devote funds to every budget line item.

The power of the purse has sadly become an almost obsolete part of our political discourse. As Republicans, we must collectively make it a part of our talking points with regards to government

spending and ensure that a healthier respect for separation of powers is injected into the spending debate each year.

### **Congressional Trade Oversight**

Article I gives Congress the power to lay and collect taxes, duties, and imposts. As was explicated earlier in the free trade portion of this platform, tariffs are taxes. Thus, the only part of government that should be involved in imposing tariffs should be the legislative branch. However, this has not been the case and tariffs are being implemented unilaterally by the executive branch in the name of national security. This practice is unconstitutional.

Section 232 of the Trade Expansion Act of 1962 allows the President to impose tariffs if there is a national security concern that requires them. Despite such tariffs being codified in law, if there was such a pressing national security concern, Congress would surely be able to pass the tariffs into law. No such exception was written into the Constitution by the framers. Regardless of the supposed statutory authority, there is no constitutional authority for tariffs implemented under Section 232.

This is also ironic, as Section 232 has been used as a justification for any tariffs, regardless of their impact on national security. It is highly dubious that there were such exigent circumstances that required the imposition of tariffs on Canada. Unfortunately, given that executives are operating outside of the Constitution when they impose these tariffs, they do not need to provide any justification or explanation. Given how badly tariffs hurt our economy, our consumers, and our businesses, this is unacceptable. The party of limited government and free markets has to make sure any restriction on commerce must be thoroughly justified, in the best interests of our country, and in line with proper constitutional procedure.

Accepting the unfortunate reality that Section 232 tariffs will be a part of America's policy landscape for the foreseeable future, Congress must pass a law to ensure oversight of any Section 232 tariffs. Congress must have the ability to examine the rationale and nullify them if possible. Congress has tools at its disposal to rein in executive overreach. This is one of them.

### **Broad Assertion of Article I**

As has been fairly well established, there are many ways in which Congress has lost its enumerated powers to other areas of government. Article I is the first part of our Constitution and is significantly longer than subsequent articles. Congress was meant to have more power to make law than any other entity. The President was meant to see that those laws were faithfully carried out, and the judiciary was meant to adjudicate disputes between parties on issues of constitutionality. This is not the division of labor present today. Congress is a coequal branch of government, not a rubber stamp for others and not a body that defers to the judgment of those without proper authority. Each lawmaker should view it as such and govern in such a manner befitting of Article I's original meaning.

### **Dormant Commerce Clause**

The Tenth Amendment delegates all powers not granted to the federal government to the states. This stands to reason that all powers that are specifically granted to Congress may not be wielded by the states. This is the principle that underlies the dormant commerce clause. Since, Congress was given the authority to regulate interstate commerce, states may only regulate commerce within their own borders.

This is also a matter of representation. If a state imposes a regulation on interstate commerce, it will naturally have an effect on the economies of other states. In this way, state lawmakers will have imposed taxes or economic harm on voters who they neither represent, nor would have the opportunity to vote them out of office. This is the literal definition of taxation without representation. That is why the regulation of interstate commerce was left to the federal government, as the members of each district had their voice represented in Congress.

This also applies to regulations. Lately we have seen states try to implement their own regulations on fuel standards, internet taxes, and web infrastructure. These regulations affect these industries not just within their own borders, but across the nation. Imposing a fuel standard in California forces automakers in other states to change their practices

if they want access to California's markets. However, these out of state automakers don't have any representation in the California legislature. It is fundamentally unfair.

This is why federal policy makers must preempt any state laws or regulations that affect interstate

commerce. Once the federal government has spoken on an issue that is legitimately within its constitutional authority, state governments must refrain from interfering and should be barred from doing so by law. It is also vital to appoint judges who believe that the dormant commerce clause is a part of upholding the Constitution.





# ROLLING BACK THE REGULATORY STATE

## The Unelected Fourth Branch

President Trump ran and won election on the promise of “draining the swamp” in Washington. One of the most egregious examples of swamp behavior is the sheer amount of power wielded by executive branch bureaucrats who were not elected by the American people. If we profess to have a government by the people, of the people, and for the people, we cannot tolerate having a vast majority of our rules and laws being set by political appointees who face no accountability from the electorate.

One of our first objectives must be to implement more accountability measures for the executive branch. Congress needs to review each significant regulatory rulemaking, and take back its Article I authority by rejecting those that overstep or will harm the American economy. Republican public officials need also to do a better job of educating voters about how they can get involved. Too often these rules are passed with little public scrutiny, and voters are not aware they can submit public comments that must be considered. The light needs to be shone on these agencies. If they intend to play a significant role in our politics, they must not be able to escape the public eye.

The courts have played a significant role in this. As mentioned earlier, the courts decided in *Chevron v. NRDC* that legal deference should be given to federal agencies when they are interpreting a statute they are tasked with administering. This is a ridiculous precedent to set. Federal agencies are naturally biased when interpreting the statutes they administer, because they will mold their interpretation to meet their agenda. It is the role of Congress and the courts to hold them accountable. *Chevron* deference allows them to run amok and gives them legal standing to do so. This principle has undermined what little oversight did exist.

Thankfully, we are making progress. Slowly but surely, more judges committed to constitutional oversight of these agencies and the overturning of the *Chevron* precedent are filling the courts. It is also important to fill each agency with nominees who respect the limitations of their jurisdiction and are

willing to allow market forces to dictate outcomes instead of trying to centrally plan society. Many of these agencies have no basis in our Constitution and should be abolished. However, coming up short of that, it is important to have people in these positions of power who are skeptical of such power and will commit to reining it in. This section of the platform outlines the priorities various agencies should pursue in the years to come and the philosophy any appointee to those agencies should have.

## Environmental Protection Agency

The Environmental Protection Agency (EPA) has been one of the most consistent abusers of their authority. The agency has been used by Democratic administrations to erode our free market system in the name of conservation and environmentalism. Their excessive rulemakings have held down innovators and the American economy.

Fortunately, things have dramatically improved during the Trump presidency under the leadership of Administrators Pruitt and Wheeler. There is still so much more that can be done to undo the havoc that this agency has wrought over the years since its inception.

We must insist on transparency at the EPA. For too long, the agency operated with “secret science” being used to justify drastic regulatory action. Scientists at the EPA often refused to produce their methodologies used to come to their results. They also fail to properly disclose their sources of data. Such practices would not be acceptable for a freshman statistics major, let alone an agency that is essentially making law for the most powerful nation on the face of the earth. Administrator Pruitt worked to roll back these secretive practices and Administrator Wheeler is continuing this work. We must continue to insist on the utmost transparency. Any actions taken by the EPA, or any other agency, must be based in sound science and data and not partisan hackery.

The EPA should also refrain from instituting restrictive fuel standards. This means they should not mandate the fuel efficiency of American automobiles, nor should they set compliance

requirements for what is in fuel. Under the Obama era EPA, the agency set unattainable standards for fuel efficiency. They would raise the prices of cars dramatically and price many low income families out of the market. They would also prevent job growth in the automobile industry, as manufacturers would have to dedicate resources to bringing their vehicles into compliance, rather than adding personnel. Also, auto companies know that there is a market for green cars with more Americans becoming environmentally conscious. If it were possible to increase fuel efficiency to Obama's standards without destroying their business model, at least one would likely have done so. Agencies like the EPA need to respect the signals being sent out by the market. If something is not feasible, it will be readily apparent to regulators and consumers.

In the same vein, the EPA should not be in the business of mandating quantities of ethanol in fuel. This is a special interest handout to the corn industry and is not based on the market. If it were more efficient or effective to have ethanol infused fuel, the market would have adopted the practice. Regulators need to stop pretending to know what is best for industries and allow them to manage their own affairs.

The EPA also needs to respect our Tenth Amendment. The EPA must not bypass Congress to take control of any state's energy policy. According to the defunct Paris Climate Accord, the administration could empower the EPA to set emission standards by state if it deemed it necessary. Thankfully, the U.S. has pulled out of such an agreement, but any subsequent attempt to usurp the roles of states should be forcefully resisted.

The markets know what is best, and D.C. regulators should not attempt to dictate best practices to industry experts. This is true for fuel standards, and it is true for emissions standards. If the EPA does need to set limits, it must not dictate how they are to be met. Let the experts innovate and find the most efficient way to do so. Our country will thrive when the EPA minimizes its role in our lives.

### **Federal Communications Commission**

With the rise of technology and the ever increasing importance of the Internet, some of the most potentially harmful regulations could come from

the Federal Communications Commission (FCC). This also means that the FCC presents one of the best opportunities for deregulatory success and economic growth. Despite regulatory overreach during the Obama years, the FCC under new Chairman Ajit Pai has made great strides toward creating a pro-growth framework that will set the stage for increased connectivity and innovation.

The FCC in 2017 repealed the burdensome Title II regulation that it had implemented in 2015 under the Obama administration. For decades before 2015, the Internet was governed by a light touch regulatory framework under Title I of the Communications Act of 1934. Title II reclassified the Internet as a public utility. After how much economic growth and innovation the Internet brought the U.S. under Title I, a reclassification was a "solution" in search of a problem. Thankfully, Chairman Pai reversed that decision. Congress must now act to codify light touch Internet regulations, so a future administration cannot again act to reclassify the Internet as a public utility.

Many Internet governance issues are also issues of property rights. The "tubes" used to deliver Internet by Internet service providers (ISP) are their property. Mandating how that property may be used and what prices they can charge for that use is a violation of their property rights. Any lasting framework set forth for Internet governance must embrace this principle.

It is also vital for the FCC to embrace deregulatory measures to close the digital divide. Many Americans in rural areas, as well as in many inner cities, have connectivity issues. The Internet provides access to crucial information that is not optional for most Americans. The Internet is a necessary resource that the market is more than capable of providing access to itself. The FCC should decrease restrictions on rollout of broadband, so tech companies can deploy infrastructure more easily and in a manner that meets the needs of each locality.

Part of this mission includes liberating wide bands of broadband spectrum for use by innovators. The government currently hoards too much spectrum that could be used instead to develop the next generation of technology and to expand broadband access to millions of Americans who were previously underserved. There must be regularly held auctions to take spectrum out of the hands of

government and put it into the hands of those who can utilize it to its fullest potential.

The FCC should also reduce barriers to mergers between tech companies. In the case of mergers such as Sprint and T-Mobile, there is an opportunity to create a carrier with more resources to provide more innovative and cost-efficient services to their customers and to use those extra resources to expand the reach of their network. For others, like AT&T and DirecTV, these mergers present opportunities for innovative new pricing plans like zero rating, which allow customers to access important sites without incurring data charges. This is especially critical for low income consumers who may not be able to afford expensive data packages. Instead of regulating such innovation, the FCC should encourage it and make sure it does not present itself as an obstacle.

### Department of the Interior

The federal government controls far too much land in the United States. We support initiatives by the Department of the Interior to shrink that land and allow it to be utilized for private use. This land could be used to build businesses, homes, or be utilized in some unseen way to provide better lives for the American people. At the very least, states and their private citizens will be able to make far better use of this land than will the federal government. This is especially true in rural areas, where, in some cases, the federal government is the predominant land owner in a certain region. This is an unacceptable encroachment on federalism as well as on farmers, ranchers, and rural families. We applaud the efforts by the Department of Interior to roll back these federal land grabs, and they should continue to be a focus.

The waters off our shores hold vast resources that can create American jobs and provide energy to the American people. The Obama administration held a sustained assault against offshore drilling, despite the oil and natural gas that could be procured from it. The market should be the one to decide whether to develop America's resources, and how to do so. This will create an economic boom for many American oil and gas companies, lowering prices for Americans and creating jobs.

The Endangered Species Act (ESA) has been used to justify stiff regulation of private land for years.

However, the ESA fails on more than ninety percent of occasions to save species placed on that list. In the meantime, the law strictly manages what many farmers and landowners can do on their own property to protect species that are not being helped by it anyway. The Department has initiated a review of certain aspects, and we should encourage them to view any changes through the lens of property rights.

### Health and Human Services

So many Americans are struggling to afford increasing drug prices. To address this issue, the Department of Health and Human Services (HHS) has a variety of market based options at their disposal. It is crucial that the market be the primary driver of any reform in this area and any others. Restricting regulations and central planning will only exacerbate existing issues.

HHS must reject any form of price controls to rein in prescription drug prices. Any such measure would be an endorsement of the socialist single payer model of healthcare. These price controls would only hurt the market, and we would begin to see vast layoffs of doctors, physicians, and hospital administrators. This would lead to the catastrophic wait times we see in existing single payer states. While well-intentioned, this is not a real solution, and is also an abuse of HHS's statutory authority.

Rebate reform is an area for success in lowering drug prices while also respecting the market. Pharmacy benefit managers (PBM) negotiate prices with drug companies and get rebates later on for how much they "save" patients and insurance companies. This incentivizes them, as well as drug companies, to push for exorbitant sticker prices. Despite the savings that come later, patients will reach their deductible far more quickly because of the high list price. PBMs also determine which drugs are covered by insurance plans and which are not, so drug companies are forced to play along with this scheme or else they might not be able to get their products in front of consumers.

This is the antithesis of the free market. Free market consumers must be informed of all their options, and market prices must be set based on supply and demand, not on the selfish interests of a middle man. HHS is in the early stages of a rebate proposal. We encourage them to follow through and for

Congress to back it up with supporting legislation.

The Department must not distract itself from the important reforms it can make. The Food and Drug Administration (FDA), an agency within HHS needs to stop making it so restrictive to get new drugs to market. As the renowned free market economist, Milton Friedman once said, the FDA causes more deaths by refusing to approve new drugs than they ever would by hastily approving a potentially bad drug. The FDA must stop being the gatekeeper of the market in a manner that applies astronomical standards to new entrants and applicants. The FDA can also better adjudicate patent disputes and refuse to allow pharmaceutical companies to block potential competitors from receiving the samples and safety information they need to get FDA approval. Once the FDA stops allowing its rules to be used to sustain monopolies, there will be better competition and lower prices.

The FDA should not waste time on such things as trying to ban vaping products or the use of the term “almond milk.” They are only pursuing such a rule as a giveaway to big dairy producers who are threatened by plant-based competitors. Vaping products present a healthier alternative for many Americans who are trying to quit smoking. Depriving them of this alternative will lead to more smokers and more health issues. If HHS lets the market lead the way, we will have a healthier populace with more options.

It is also vital for HHS to undo the harm that Obamacare has inflicted on our economy. This includes making the waivers to states more flexible and allowing for greater leeway for citizens to put their own personal funds in health savings accounts (HSAs). It should be U.S. policy to put the people in charge of their own healthcare savings and decisions instead of the government. This is the very definition of market based healthcare, and government mandated “solutions” like Obamacare should be avoided at the agency level as well.

## Department of Education

With regard to higher education, lawmakers should recognize that a four-year college degree as defined by the federal government is simply not the most feasible education path for all Americans. Often, an apprenticeship or another alternative is far more practical. This is why federal lawmakers should

empower states to create their own innovative frameworks to allow these alternatives to be accredited with the same force and weight as a college degree. States and localities know best what will empower its citizens, and the federal government should resist choosing winners and losers as much as possible.

They should also support school choice initiatives in the elementary and secondary education space to give parents and guardians more control over their child’s education and future. This includes promoting education savings accounts (ESA). ESAs give parents, often of special needs students, the state and local funds that would have otherwise been used on the student in public schools in an accessible account that the parents may use to pay for alternative education for their child outside of the public school system.

This also allows parents to pick the best schooling option for their child. Nobody knows their child better than they do. Minimizing federal involvement in the education space and instead allowing parents to make educational choices for their family is in the best interest of all involved.

## Department of Justice

The Department of Justice (DOJ) should do everything in its power to implement criminal justice reforms. This means implementing meaningful prison reform and working to safely reduce the number of federal prisoners in the federal system.

DOJ must also work to return wrongfully seized money to those who have been unfairly targeted for civil asset forfeiture, and they should take steps to cutting back on or even eliminating the practice altogether. One way they can make reform is to, at the very least, increase the evidentiary standard for seizure. Citizens of a nation that stands as a beacon of freedom should not have to worry about having their property taken from them by federal authorities on the mere suspicion of wrongdoing. That runs counter to the fundamental underpinnings of our Republic. They must also abolish the Equitable Sharing Program, which allows the DOJ to profit from such seizures at the state level.

Where at all possible, the states should be leaders of criminal justice reform. Let each state determine the policies it deems best to reduce crime and



recidivism. The DOJ should refrain from involving itself in the inner workings of states, but it can and should lead by example. It should also look to the successes of evidence based reforms implemented in many states already and seek to incorporate those successful approaches to areas where the DOJ does, in fact, have jurisdiction.

## Defense and Homeland Security

The most vital goals of each of these agencies should be to defend the civil liberties of all Americans. Too often, civil liberty violations occur in the name of national security and emanate from either of these agencies or from one of their many subsidiaries. With such a focus being placed on the abuses of Cabinet departments and regulatory agencies, there is a significant opportunity to right these wrongs and assuage the damage that has been done to the sacred liberties of the American people.

The Department of Homeland Security (DHS) can direct its employees to respect the privacy of the citizenry. Nowhere are these abuses more prevalent and obvious than what is going on in the Transportation Security Administration (TSA). The TSA routinely fails DHS safety tests, yet thinks the answer is to become more draconian. It's been revealed that the TSA has secret watchlists of individuals and improperly searches many thousands of Americans every year. DHS can hold them to account for their failures and mandate that they rein in their unconstitutional practices that deprive American travelers of due process and privacy.

The data privacy of Americans must also be steadfastly protected. At our borders, the personal cell phones of many Americans are seized and mined by law enforcement agents. Without due process, no American should have their data viewed by the authorities, especially when they have committed no crime. We should not criminalize going abroad by punishing Americans when they return home.

The Department of Defense (DOD) can also play a role in increasing the freedom of American individuals and businesses. First, it should direct the Coast Guard to apply leniency in enforcing the Jones Act, which imposes unnecessary protectionism on American shipping. It should be broad in its

application of waivers, especially in circumstances of natural disaster. The Jones Act should be repealed in its entirety, but this is a job for Congress. Until that time, DOD can minimize its harmful effects.

The Department should also work to assist the nation in addressing its national debt. Given the threat the debt poses to national security, there is perhaps no better department to work towards balancing the budget than the DOD. We want our military to be strong. America spends far more per capita and as a whole than most other nations on defense. There is significant room for hard cuts to be made. DOD must also stop the utilization of overseas contingency operation (OCO) fund. This fund is used as a budget gimmick to exempt billions of dollars from budget caps and act as a separate slush fund for DOD. Draining the swamp begins by eliminating slush funds like this.

## Department of Energy

The Department of Energy (DOE) has opportunities to make the energy sector a better functioning and more free market. The first step for DOE, and any executive agency for that matter, is to cut off subsidies to industries that could not function in the market without the government assistance. This is neither a productive policy, nor is it the proper scope of the government. Instead, as has been stated numerous times, the government should let consumers dictate which technologies and products are the best and most efficient.

With this being the case, DOE should stop approving wasteful loans to companies to develop products or set up plants. While job growth and job creation are worthy objectives, the investment should come from private equity, not government regulators. The only role DOE should play in spurring this job growth is by reducing regulatory barriers to innovation and investment.

One such barrier is the efficiency standard DOE places on home appliances. These standards make appliances like dishwashers less effective and less environmentally friendly. This ineffectiveness causes Americans to have to wash their dishes twice or even three times. This wipes out the supposed environmental benefits of "more efficient" appliances and costs Americans more on their energy bills. This is a clear example of the



counterproductivity of government intervention in the economy. Thankfully, Secretary Perry has moved to roll back this standard, and he should do so for all similar regulations.

### **Department of Treasury**

The impact of our nation's fiscal policy cannot be underestimated. The Treasury has a significant role to play in getting us on the right track. To start, the Department should not push for any debt limit increases without ensuring there are corresponding spending cuts. Otherwise, we are merely delaying the inevitable calamity that will come once our debt hits a tipping point.

Treasury can also prevent political intimidation and be a champion of free speech. We are only a few years removed from learning that the IRS targeted conservative political groups for increased scrutiny because of their beliefs. Thankfully,

Secretary Mnuchin has issued guidelines to waive the requirement that certain 501(c) nonprofit organizations reveal their donors. Policies like these will make sure no one is harassed on account of their financial and political activity.

Other waivers that Treasury plays a role in are Obamacare waivers. The Department should work in tandem with HHS to make sure to mitigate the effects of Obamacare and increase consumers' options for coverage. This includes working to expand free market health solutions such as HSAs, short-term limited duration plans (STLDs), and association health plans (AHPs.). Some plans have been released, but there is great room for more aggressive reform in the years to come.

Lastly, Treasury must continue to implement the Tax Cuts and Jobs Act. This is how we give Americans the freedom to keep their money, and Treasury must see that it is faithfully carried out.



# ACHIEVING THE AMERICAN DREAM THROUGH CRIMINAL JUSTICE REFORM

## Second Chances: The American Dream

Conservatives are champions of the idea that Americans should be able to live their own lives and have as much self-determination as possible. Part of this belief is the belief in redemption by giving people the opportunity to right their past wrongs and move forward with their lives. We cannot pretend to be champions of the people and their liberty if we propose policies that deprive people of freedom and lock them up indefinitely for minor mistakes. Many of our first colonists made mistakes in Europe, and found the promise of a new life in America. This is the promise we should uphold as conservatives, and as Republicans.

America has an incarceration rate far higher than even some of the world's most authoritarian dictatorships. We cannot bill ourselves as the party of small government if the policies we promote lead to wide swaths of Americans being locked up for any number of crimes and the criminalization of a large portion of our populace. If every minor vice becomes a crime, we can be sure that government employees with poor intentions down the line will use these laws to lock up political opponents or trip up their enemies in the future. Giving people more freedom is a defense against injustice and is one of the best protections against threats to our liberty.

Conservatism also strives to make sure our bureaucracies run efficiently and do what they're supposed to do. We have spoken at length about how government agencies and organizations often seize too much power for themselves. The end result is the loss of liberty for the American people and a departure from their original purpose. The correctional system is so named for a reason. It is aptly not named the punitive system. It should focus on recidivism reduction and rehabilitation. Instead, too many lawmakers focus on the retributive aspects of the criminal justice system.

Reducing recidivism enhances public safety. By handing down excessive punishments, many inmates have no choice but to return to a life of crime upon release because all legal options are closed off to them. Reform would reverse that trend

and ensure that the brave men and women of our law enforcement community can focus on the true threats to public safety, instead of being bogged down chasing nonviolent offenders.

Criminal justice reform is also taxpayer friendly and fiscally responsible. We incur great costs by housing so many inmates in our prisons and incarcerating them time and time again due to the revolving door of recidivism. Not only is this a blow to liberty in America, it is a blow to the pocketbooks of the American taxpayer. This is an area where we can reduce costs and offer so many Americans a second chance at life, which is truly the embodiment of the American dream.

## Sentencing Reform

Of primary concern in the criminal justice space is ensuring not only that we are incarcerating the right people, but that we do so for the right length of time. Also, upon return to society, we must minimize barriers to a successful life post-incarceration, especially as time elapses. This will decrease costs, as the same prisoners will not continuously impose cost on the system. Once they become independent again, our resources can be focused more efficiently.

It has been proven time and time again that lengthy prison sentences for drug users do not result in lower rates of recidivism. Instead, allowing increased discretion for judges to sentence below mandatory minimum sentences that are on the books based on the facts of a case is a better way to ensure that the sentence fits the crime. Additionally, offering alternatives to incarceration, such as utilizing drug courts for some individuals, would be drastically more effective in resolving the problems that drive individuals to commit crimes. This would reduce recidivism rates and save taxpayer dollars while also reducing overall crime rates and enhancing public safety.

Mandatory minimum sentences also present an issue of separation of powers. Part of a judge's role is to impose what he or she sees as a proper sentence. If a legislator dictates that a judge may not impose a sentence below a certain length

of time, that is an infringement upon the judicial branch's jurisdiction. Just as we oppose judges legislating from the bench, we must oppose with equal fervor legislators acting as judges from their seats.

Sentencing reform also upholds the principles of liberty for which we stand. One may think that drug use, even nonviolent drug use, is a detriment to our society and should be discouraged. However, such a crime should not be punishable by decades in prison. That is excessive and gratuitous.

### **Prison Reform and Recidivism Reduction**

If we want to see a shift from policies that are traditionally thought of as "tough on crime" to those that are actually "smart on crime," we must focus our prison resources on those who present true, long-term threats to society instead of those who are serving sentences as a result of drug addiction, mental health issues, or those who have made mistakes but present a viable path towards rehabilitation and reintegration into society.

We must evaluate and correct the frequent misallocation of prison resources and achieve even more sentencing reforms across the prison system. Traditionally conservative states are amongst the nationwide leaders on this issue, including Texas, South Carolina, and Georgia. Each has reaped the benefits of this better, more efficient system. Other states and the federal government should look to the reforms in these states as models for what works.

The focus in our correctional facilities for nonviolent inmates should be rehabilitation aimed at ensuring that they lead productive lives upon release and do not commit more crimes to get cycled back into the prison population. This includes providing them with the resources to acquire treatment if necessary, knowledge, skills, job training, and positive values while they are serving their debt to society. Some examples of programs we could implement in our nation's prisons would be to offer mental health support, substance abuse treatment, and faith-based programs. All have proven to significantly reduce recidivism. We must also ensure they are equipped for the job market by providing inmates with classes.

A vast majority of men coming out of prison are still looking for jobs long after their release. Merely

letting them back into the world is not, in itself, a second chance, if we don't make an investment in improving their outlook on life and giving them the skills they need to make a life for themselves and improve the lives of their families and those around them.

Much like work requirements, getting a job is not a worthwhile investment of time for welfare recipients if it doesn't lead to future opportunities. They will merely fall back into poverty and back on welfare at the expense of the taxpayer. The same holds true for our nation's inmates. Being put through the correctional system is pointless if there are no opportunities to become reintegrated with their community upon release and get into stable employment. Otherwise, they will fall back into crime and become incarcerated again at the expense of the taxpayer and of public safety.

Prisons should evaluate each inmate's risk of recidivism and, through evidence based recidivism reduction programs, begin the process of reintegrating inmates to society. This includes offering incentives to inmates who have worked to better themselves to become a low risk of becoming a repeat offender. This allows them to begin to become a part of their communities again and form accountability bonds with their acquaintances to give them positive relationships that will further reduce their risk of committing more crimes and being placed back into custody. However, these programs are supervised, so if red flags go up, law enforcement has the ability to rescind the supervised release, and the inmate can continue to serve his or her sentence back in a correctional facility.

This plank of our platform is a full throated endorsement of the good of the American people and an assertion of the belief that no one becomes irredeemable because of one mistake they made in their lives. To err is human. A government of the people, by the people, and for the people does not mandate that its citizenry remain perfect for their entire lives, under threat of imprisonment. Rather, we speak with one voice and lift up our fellow Americans to make sure they have a solid base to re-enter society better off than before.

### **Civil Asset Forfeiture Reform**

Civil asset forfeiture is the process through which

law enforcement can seize property suspected of being connected to criminal activity. While law enforcement insists that forfeiture is a means to go after the profits of illicit activity, including the drug trade, there are many examples of misguided law enforcement personnel permanently seizing the property of innocent people. With property rights being integral to the defense of the principles of America's founding, such abuse cannot be tolerated by freedom loving Americans anywhere.

There is a need for reform at the federal level, beginning with shifting the burden of proof to the government and increasing the evidentiary standard required to seize property. The presumption of innocence is a cornerstone of the American legal system. The Fifth Amendment of the Constitution states, "[N]o person may be deprived of life, liberty, or property, without due process of law." The practice of seizing property before any trial or hearing has taken place, and even without an individual being charged with a crime, is the exact type of practice the authors of the Fifth Amendment sought to prevent. Yet, politicians in Washington insist it is a key law enforcement tool. It is not. It is a tool of the state to impose its will on the American people.

In federal civil asset forfeiture cases, American citizens are forced to prove their innocence. Raising the evidentiary standard to "clear and convincing" and shifting the burden back to the state, where it belongs in this or any other case, would be an important first step. In America, every citizen, regardless of their background or beliefs is innocent until proven guilty.

Additionally, it is necessary to address the Equitable Sharing Program at the Department of Justice (DOJ), which allows law enforcement in states with forfeiture laws that protect innocent individuals to circumvent these laws. In other words, the federal government is seeking to overrule state governments that have taken affirmative steps to defend property rights. This is an affront to the Tenth Amendment on top of the numerous other constitutional provisions to which civil asset forfeiture already runs counter.

Federal agencies will "adopt" property or money for forfeiture through federal law. By working with state and local police, the federal government receives 20 percent of the proceeds. This program must be

abolished. The federal government should neither encourage nor profit from abuse of power at any level of government.

## An End to Overcriminalization

Overcriminalization is a significant issue that results in many individuals who don't even know that they have committed a crime being caught up in the criminal justice system. This leads, unfortunately, to more criminals being created than anything else. It is so out of hand, that the incarceration rate in the U.S. is by far the highest amongst the 115 countries in the OECD. It is in fact, almost three times higher than the next highest country. This is not reflective of a nation that is a beacon of freedom on earth. However, it is reflective of a nation that has a lot of room for growth and reform.

We should strive to ensure that individuals only come into contact with the criminal justice system if they have to. Otherwise, it should be our policy to make sure American citizens avoid the negative repercussions of a criminal record. Mens rea reform is one way to accomplish this. Mens rea reform means applying a "guilty mind" standard to federal crimes that do not already have such a standard. The basic principle is that people should not be locked up if they don't even know they have committed a crime. Even the most well-versed D.C. policy analysts cannot comb through every page of legal code. Our government is far too large for that.

It is estimated that the United States has between 4,500 and 5,000 federal statutes carrying criminal penalties and over 400,000 federal regulations that may be enforced criminally. This is outrageous. It is our mission to shrink the government, and not punish everyday Americans for not being complex legal experts.

A possible middle ground on the overcriminalization issue would be to pass legislation requiring a full report on all federal criminal offenses. This would help us begin to fully understand the scope of federal law, as this type of report has never been done before. In fact, the Congressional Research Service said that they did not have the manpower to complete this report on its own, when it was requested of them. Again, if the Congressional Research Service cannot keep up, that is a sure sign that we have criminalized far too many Americans for offenses that are far too obscure

or unreasonable for the average American to be aware of. We must pass such legislation to ensure resources are redirected to studying this issue, so we can craft better solutions to this issue that is plaguing our nation like few other democracies across the globe.

Requiring a full report of all federal crimes, along with the mens rea requirement or lack thereof for each, would be useful and would lay solid groundwork for conservatives to push for full mens rea reform in the future.

We are the party of freedom and liberty. There is no statement so basic, and so integral to the goals of freedom and liberty as to say that millions of people should not be incarcerated for violating one of hundreds of thousands of laws and regulatory statutes they had no way to know they were violating.. We need to elect and appoint more leaders who are willing to speak this basic truth, and make it a centerpiece of the conservative movement going forward.





# A MORE OPEN GOVERNMENT

## Better Process

A consistent theme of this platform has been, and must be, the fact that our government is one of, by , and for the people. The way in which we govern should reflect this fact. However, that has not been the case in our legislative branch, the primary policy making body in our government. The legislative process has become increasingly top down, taking power away from individual members and actively discouraging them from asserting what power they do have. This deprives vast constituencies of equal representation in Congress.

Instead, we need to have a process that increases transparency, empowers individual members, and does not allow leadership to assert heavy-handed authority over the entire governing process. Congressional leadership in both chambers should not be purely political operatives, who use their position to line the pockets of special interests and suit their own needs. They should be shepherds of the process who manage the floor schedules and ensure bills and amendments are adequately debated and receive open votes. Any bill with broad support should not be defeated merely because one member of leadership opposes it. There are many ways to take steps towards achieving just such a vision.

## Term Limits

The main thrust of having a more transparent, open process is to make sure the government is more predisposed to defend the rights of the people. Such a government cannot be accomplished if it is composed solely of career politicians. We are currently plagued by leaders who spend decades in elected office and never have to enter the private sector to live with the consequences of their decisions. We have created a generation of leadership that is thoroughly detached from the needs of the American people.

This is why term limits can be the silver bullet to end such cronyism. No more will politicians govern with the specter of campaign donations hanging over their heads. Instead, they will govern knowing they will shortly enter and have to make a living in the world for which they helped craft the rules. Each member of Congress should be limited

to the number of years they can serve in either chamber of Congress cumulatively. Since FDR's out of control presidency that drastically expanded executive power, we have imposed term limits on the presidency. There is no reason the legislative branch should not be held to the same principle. We need leaders who remember why they were elected in the first place.

## Open Amendments in the House

Recently, very few if any open amendment processes are held in the House of Representatives. House Leadership has subscribed to the following binary: either a bill is brought forth under a closed rule, meaning no amendments are allowed whatsoever, or a bill is brought forth under a structured rule, meaning that leadership gets to decide which amendments are in order and thus, which are deserving of debate and a vote on the House floor. Leadership no longer allows an open amendment processes where members can bring amendments to the floor where they may be debated and voted on then and there.

As conservatives, we recognize that we are but one political faction of many in Congress. We should be willing to accept the legitimacy of defeat after thorough debate and an open vote. However, this is not where debates are being won and lost anymore. Now, they are being won and lost in back rooms on Capitol Hill, without the input of many members, thus depriving millions of Americans of fair representation. American policy and the issues brought before the American people should not be decided by five men in a conference room. Rather, they should be decided by the full House of Representatives. As its name suggests, it is a representative body. Excluding members from the decision making process is thus a denial of representation and runs counter to our Republic.

Leadership needs to stop sheltering legislation under rules that limit debate and protect members of our government from having to go on record about the issues about which the American people feel very deeply. As a Republic, we should be doing just the opposite. We should encourage debate. Each consequential bill brought to the House floor should be openly debated and subject to any and all

amendments brought forth by individual members.

### Unfill the Senate Tree

On the Senate side, the Majority Leader will use his “right of recognition” to hold onto speaking time on the floor and do what is called “filling the tree.” This is where the Majority Leader determines what type of amendments may be offered to a bill under consideration and places a limit on how many. Then, continuing to hold the floor, the Majority Leader will propose such amendments, thereby preventing debate on other members’ amendments, as the limitations have been reached by amendments pre-approved by Senate Leadership. Such a backhanded tactic is unacceptable in a chamber that bills itself as the “world’s greatest deliberative body.”

Fortunately, the Senate has its own version of an open amendment process that it actually utilizes occasionally. These are known as “vote-a-ramas.” They consist of Senators staying in the chamber through the night and debating and voting on dozens upon dozens of amendments to a bill under consideration. This is the most democratic way of allowing each Senator to represent their constituency by inserting his or her voice into important policy conversations and receiving rejection or approval by the full body, not by the singular Majority Leader.

This is also not a massive time waste, as a vote-a-rama is usually completed in the space of a single night. Sadly, the Majority Leader and the rest of Senate leadership seek to maintain such a tight grip on the floor schedule, that even this is unacceptable. We need to elect Senators who will champion an open process and seek to challenge the rules and precedents of the Senate to make sure more open amendment vote series are held. In the meantime, we need to apply pressure to party leaders like the Majority Leader to stop using the right of recognition to fill the Senate tree and prevent debate.

### Leave Earmarks in the Past

The House of Representatives, under then-Speaker John Boehner, placed a moratorium on earmarks. These are specific line items in larger spending bills that are dedicated towards certain projects and programs. While they may seem innocent enough by description, they are anything but in practice. They are a way to come to agreements on larger bills by adding in extra, unrelated spending items. This

is a way for many legislators to insert giveaways to special interests into bills and is certainly a fast track to bloated levels of spending, which only put us deeper and deeper into debt. This is why former Senator Tom Coburn called earmarks the “gateway drug to spending addiction” during his time in the Senate.

Earmarks breed corruption. They are a way for lawmakers to secure favors for projects in their district. By inserting them into a larger bill, it prevents the merits of these projects from being debated. They also do not benefit the American people, but are often narrowly tailored to suit the campaign interests of individual members. These are buy offs. They are not good policy.

Given our fiscal state as a nation, we cannot afford to reintroduce such a tactic back into our legislative process. Some estimates show that earmarks added tens of billions of dollars in additional spending in a single year while they were still allowed in Congress. Our leaders should be making it more difficult to spend irresponsibly with the taxpayers’ money. Earmarks, on the other hand, make it much easier and actually incentivize it by targeting appropriations. Leaders should steadfastly oppose bringing back earmarks, and remember the reason they were removed from the lexicon of Congress almost a full decade ago.

### Read the Bills

Lately, Congress has adopted the habit of passing spending bills that number well over a thousand or two-thousand pages in a time period of less than 48 hours from the time the text is made available. It is clear that no one in either chamber has actually taken the time to read through the bill to find out what is actually in it by the time the votes on passage occur. This means that there is no way the American people could know what it was their elected leaders just spent their hard earned money on. This is an embarrassing lack of transparency and effort from Congress and it needs to be ended as soon as possible.

We should champion a resolution that enforces a minimum amount of time that a piece of legislation must be considered before being voted on and hold Congress accountable to adhering to it. This must be no less than one minute per page, to ensure that it is actually effective. It is not a radical

proposal to demand that Congress know what it is passing. It is reminiscent of Nancy Pelosi's saying about Obamacare, "We have to pass the bill so that you can find out what is in it." We must not let our society be run by the Pelosi's of the world. Instead, we must demand better from our elected leaders and insist that if they are going to spend billions or even trillions of our dollars, that they be able to explain to us exactly what those dollars are going towards.

Congress should pass each of the twelve appropriations bills separately, as intended, instead of together as one large omnibus spending bill or a few minibus spending bills. Each committee should debate and pass a spending bill that relates only to its area of jurisdiction. That way, the American people would be more informed. It would also create a more transparent process where each member gets sufficient input in the process. Most importantly, it would make sure that no bloated bill thousands of pages long gets rammed through at the last minute, as leadership confronts members with a binary choice of voting for the bill or facing an entirely avoidable government shutdown. Congress knows when its deadlines are, and it must work to make sure they are met in such a way that the fiscal health of our nation is respected.

## **Empower Individual Members**

The Senate and, to a lesser extent, the House, are run largely by unanimous consent. This provides individual members, even the most junior ones, with tremendous potential to enact change and influence policy. Unfortunately, they don't do so nearly often enough, whether it's because they are afraid of retaliation by leadership or because they are ignorant as to how much power they actually possess. In order to create a more democratic, bottom up legislative process, this needs to change.

In the Senate, most pieces of legislation are passed unanimously without debate. That is mainly because they are harmless in nature, like the naming of post offices. Senate rules are more restrictive than many Senators would like, so motions are often made and passed by unanimous consent to dispense with them to accelerate consideration of legislation. However, if a single member felt the process wasn't being handled fairly, or certain legislation or amendments were being blocked by leadership, that Senator could throw a wrench

into the works of the entire body by object to unanimous consent requests. If leadership sees fit to ignore the desires of individual Senators, those same Senators are certainly not powerless to fight back. Senators wishing to have their legislation considered should assert their right under Senate rules to object to unanimous consent requests until leadership respects their role as a member of the Senate. This is how we ensure that each state, not just those represented in leadership, gets equitable representation in the Senate.

Many bills and amendments in the House are passed by voice vote, meaning there is no roll call vote recorded and the bills pass automatically absent objection. These voice votes often happen in violation of House rules with almost no members present on the floor. However, all it takes is one member to ask that a roll call vote be ordered. If one member does that, there is no way to prevent a roll call vote from taking place, requiring all members to come to the floor and do their job: vote. This is the way one member out of 435 can influence the process and ensure there is more transparency and accountability.

There are ways for members to be influential. We need to emphasize them, and encourage a more bottom up legislative process that relies on members more than leadership.

## **Make Them Talk**

Years ago, if individual Senators wanted to block a bill they thought was unconstitutional or harmful, they would be able to do a talking filibuster. All they had to do was hold the floor and keep talking and no vote could occur. The talking filibuster needs to make a comeback in the Senate. It has been replaced by cloture.

Cloture is a precursor vote that limits debate to 30 hours. This strips members of some power to influence change, as any bill pre-approved by Senate leadership that has 60 votes will proceed with limited debate. On the flip side, now all it takes to block a bill is a coalition of 41 Senators. If a coalition wants a bill to be voted down, it should be able to steadfastly defend their principles on the Senate floor in front of the nation. We should bring back and welcome the days where an impassioned Senator could take the floor and talk for hours on end to make a stand on an issue about which he or she

cares very deeply. This is another facet of bottom up governance where a Senator need not have a fancy leadership title, a lot of big donors, or plum committee assignments to make a difference. Only words and the will to speak them.

### **End the Retribution**

Members of Congress should be able to utilize the methods and advocate for the policy prescriptions listed above without fear of punishment from leadership. We must call on leaders in both parties to stop stripping members who speak their mind of their committee assignments. We must stop

shutting down debate on bills merely because the sponsor had the nerve to challenge his or her party's leaders. Our nation was built on challenging leadership and established norms. We will have departed from the promise of America if we punish the elected representatives of our people for embodying the spirit of our nation.

It is through these tactics and with these legislative process reforms that we will be able to achieve the bold, optimistic vision for a constitutional, free America outlined in the preceding pages. Our nation will be far better for it.









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**QUESTIONS?**

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