

NO LABELS

THE SPEAKER DOO IECT

**A NO LABELS CAMPAIGN
TO BREAK THE RULES
AND FIX OUR CONGRESS**



THE SPEAKER PROJECT

NO LABELS

INTRODUCING *THE SPEAKER PROJECT*

It's right there in the first three articles of the U.S. Constitution. The legislative branch—along with the executive and judiciary—is a coequal branch of government.

That means the speaker of the House holds a position every bit as consequential as the president of the United States. And yet the American people have little influence over who gets this position, how they get it, and how they do the job.

IT'S TIME FOR THAT TO CHANGE.

When current House Speaker Paul Ryan announced his retirement on April 11, 2018, after just three years in the role, it created a once-in-a-generation opportunity for the American people to change how speakers get elected and how our Congress operates day in and day out. *The Speaker Project*—a campaign led by No Labels—was launched to ensure America seizes this opportunity.

Success will require citizens across the country rising up and telling their elected officials that this matters; that their vote in the November 2018 elections will be won or lost based on a candidate's support for *The Speaker Project*.

If we succeed, it can radically change how Washington works and create an opening for bipartisan solutions to problems that have festered for years.

THE CONNEXI

*The House of
Representatives
shall choose
their Speaker
and other officers*



A HOUSE DIVIDED AND IN DISARRAY

SOMETIMES, THE ONLY WAY OUT
OF AN IMPOSSIBLE MESS IS TO
BREAK THE RULES.

**AND THERE ARE FEW BIGGER
MESSES THAN WHAT IS—
AND IS NOT—HAPPENING
IN OUR CONGRESS.**

Congress is a mess of contradictions. In some cases, the speaker of the House has too much power, with almost unlimited latitude to set the agenda and shape legislation.

Once-powerful committees and rank-and-file members are relegated to bystanders, along for whatever ride the speaker wants to take them on.

In other cases speakers have too little power, hamstrung by extremists in their own party who manipulate the rules to prevent action

on policy solutions the American people care about and, often, agree on: from immigration and border security to gun safety, health care reform and infrastructure.

There are many policy proposals that are supported by 60 or even 70 percent of all House members and yet will never come up for a vote.

If you think this sounds crazy and blatantly undemocratic, you're right.

The House is governed by a web of rules and procedures that concentrate too much power in the wrong places, be it the speaker's office or small, highly ideological factions that hold the rest of Congress hostage.

THE SPEAKER PROJECT BEGINS WITH THE PREMISE THAT NO REAL CHANGE WILL COME TO WASHINGTON UNTIL CONGRESSIONAL RULES ARE CHANGED IN A WAY THAT FORCES THE BODY TO BE RESPONSIVE TO THE WILL OF THE AMERICAN PEOPLE.

When this happens, bipartisan ideas almost always die. Speakers are forced to appease their ideological fringes rather than edge toward the political center, where broadly supported, workable solutions are usually found.

**THE PROPOSALS IN THE
SPEAKER PROJECT WOULD
CHANGE THESE OUTDATED
RULES AND TRADITIONS.**

One change would require would-be House speakers to gain at least some support from both parties in the speaker election that occurs at the outset of each new Congress, a radical break from current practice.

Another would eliminate a single House member's ability to precipitate a career-killing vote of no confidence (a "motion to vacate") against the speaker. The mere threat of this maneuver has caused speakers to shy away from working with a president or lawmakers from the other party.

Rules that empower a narrow fringe are probably the most serious procedural problem in the House. But they are not the only ones. Some rules conspire to shut out the minority party from policymaking and legislating. Some well-meaning rules designed to improve congressional ethics and effectiveness have ended up having the opposite effect. The House could also use a few new rules to promote transparency and accountability.

The Speaker Project offers solutions to all these problems. And it is no pipe dream. Members of Congress can change the procedural rules that govern the House at the start of each session and they often do. In fact, a small bipartisan group of lawmakers could exert tremendous leverage by conditioning their January 2019 vote for the next House speaker on these rule changes being made. This has happened before in Congress. No Labels believes it must happen again.

These rule changes may seem abstract and arcane. They are! And changing the House rules may not seem like the kind of rallying cry that makes people want to march in the streets. But it should.

Many critical issues you care about—deficits and entitlements, crime and criminal justice, immigration and border security, schools, infrastructure—won't be fixed until we change these rules.

The Speaker Project campaign won't be easy and the members of Congress who support it will be taking significant political risk. These rules changes are a major threat to the entrenched interests who like the status quo just fine.

But there is no other choice. To fix our Congress—and save our country—we need to break some rules.

HERE IS HOW WE DO IT.

BIPARTISAN IDEAS HAVE NO CHANCE

During the past year, the 48-member House Problem Solvers Caucus—featuring 24 Democrats and 24 Republicans—released or endorsed ambitious bipartisan proposals on:

HEALTH CARE REFORM • INFRASTRUCTURE

IMMIGRATION & BORDER SECURITY • GUN SAFETY

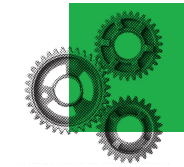
PUBLIC SUPPORT

The Problem Solvers Caucus had the public on their side too, with several public polls endorsing the general approach proposed by the Caucus.



61%

61% say “keep and improve the Affordable Care Act” instead of “repeal and replace.” *(ABC News/ Washington Post Poll, April 2017)*



79%

79% support making significant new infrastructure investments along with streamlining the permitting and approval process to get projects built faster. *(Harvard-Harris Poll, February 2018)*



63%

63% support a “congressional deal that gives undocumented immigrants brought here by their parents [“Dreamers”] work permits and a path to citizenship in exchange for increasing merit preference over preference for relatives, eliminating the diversity visa lottery, and funding barrier security on the U.S.-Mexico border.” *(Harvard-Harris Poll, February 2018)*



81%

81% support banning “bump stock” devices that allow some firearms to function as machine guns. *(Harvard-Harris Poll, March 2018)*

DESPITE THE SUPPORT OF THE BIPARTISAN PROBLEM SOLVERS CAUCUS—AND THE PUBLIC—NONE OF THESE PROPOSALS EVER MADE IT TO THE HOUSE FLOOR FOR A VOTE.

WHEN THE MAJORITY DOESN'T RULE

2006 IMMIGRATION REFORM DEBACLE

As No Labels co-founder Bill Galston wrote in 2017, “America’s continuing failure to reform its immigration policy has poisoned our politics, and [long-established policies require updating to meet the needs of today’s economy and society.](#)”

[Congress had such an opportunity in 2006, but they blew it. And the story of how provides a singular example of how a small minority in Congress can thwart progress.](#)

In May 2006, a Republican-led Senate overwhelmingly passed the bipartisan Comprehensive Immigration Reform Act of 2006.

The legislation was more contentious in the House, but it appeared poised to pass there, too, with strong support from Democrats and a substantial number (but not the majority) of Republicans.

But then-House Speaker Dennis Hastert announced he would not let the Senate bill, or a similar version, reach a House vote because most Republicans there opposed it.



“The job of speaker,” he said, “is not to expedite legislation that runs counter to the wishes of the majority of his majority.”

This “majority of the majority” principle is often called “the Hastert Rule,” and it has come to haunt the halls of Congress in the years since. Although it’s not an official rule, it has guided the House for most of the last decade and left speakers beholden to narrow factions of their party, not the full House. Of course, it begs the question: If the Hastert Rule isn’t really a rule—and speakers often chafe under it—why doesn’t the current speaker, and the next one, ignore it?

IT ALL COMES BACK TO THE RULES.

SEVERAL DIFFERENT HOUSE RULES—LIKE THE “MOTION TO VACATE” EXPLORED ON PAGE 22—TOGETHER CONSPIRE TO KEEP THE SPEAKER ON A TIGHT LEASH, UNDER CONSTANT THREAT OF LOSING THE JOB IF HE OR SHE CROSSES THE BASE OF THE PARTY...OR REACHES ACROSS THE AISLE.

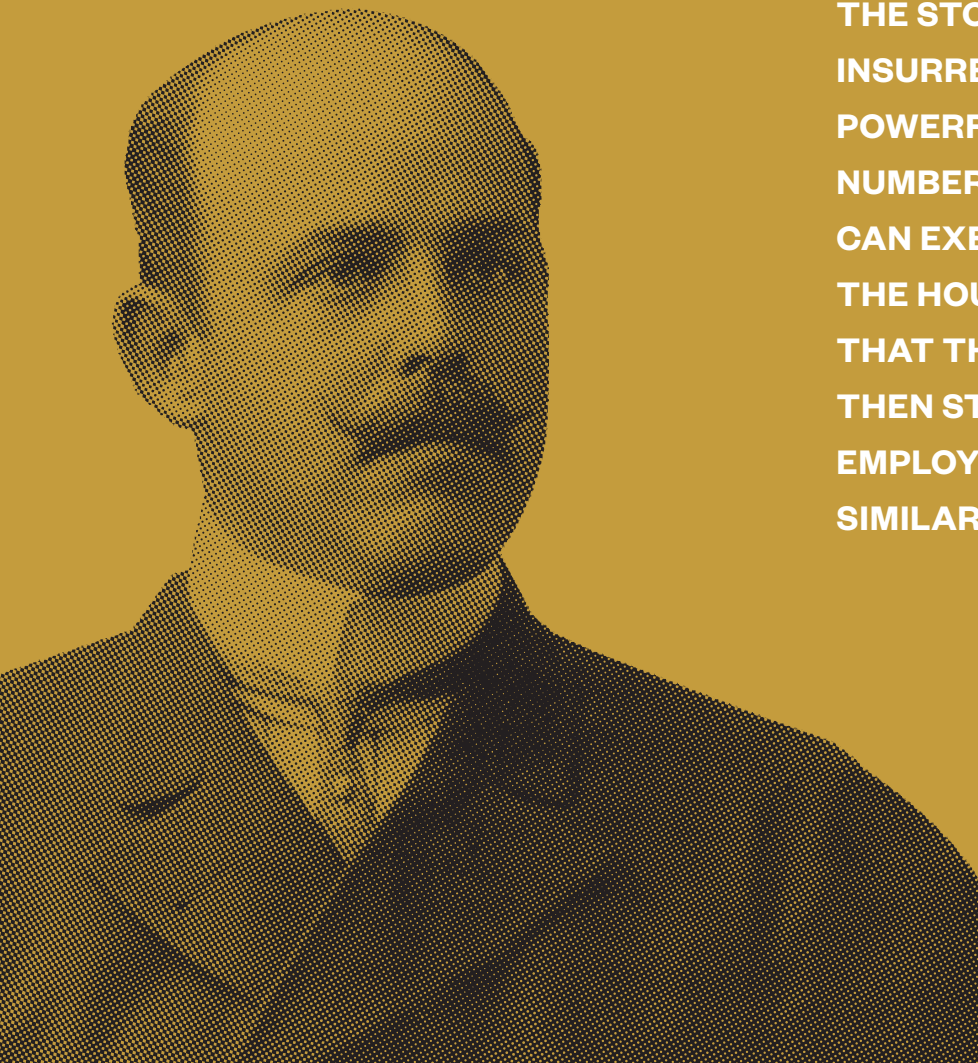
PROGRESSIVE REPUBLICANS RISE IN 1923

In 1923, Nicholas Longworth was no one to trifle with. The Ohio congressman, Harvard graduate and son-in-law of Theodore Roosevelt was leader of the Republican caucus that controlled the U.S. House. Congress would eventually name a major office building for him.

When Longworth announced that he and other party leaders would ignore a rebellious group of “Progressive Republicans” who demanded congressional reforms, most people figured that was that.

They were wrong.

THE STORY OF THE 1923 PROGRESSIVES’ INSURRECTION ILLUSTRATES THE POWERFUL LEVERAGE THAT A SMALL NUMBER OF DETERMINED REFORMERS CAN EXERT IF THEY STICK TOGETHER. THE HOUSE RULES AND TRADITIONS THAT THEY USED TO GAIN INFLUENCE THEN STILL EXIST TODAY AND CAN BE EMPLOYED IN THE SAME MANNER FOR SIMILAR PURPOSES.



*Representatives
shall choose
their Speaker
and other officers*

HERE’S WHAT HAPPENED.

Republicans lost some House seats in the 1922 elections, but still held a 225-210 advantage over Democrats and a few third-party allies. The Republicans chose Frederick Gillett to be speaker, and Longworth (a future speaker himself) as majority leader.

Congress took long breaks back then, so the new House didn’t convene until early December of 1923—more than a year after the previous election. As members gathered in Washington, a group of nearly two dozen “Progressive Republicans” were demanding more attention to farmers’ problems and various changes to House rules.

These included a ban on “pocket vetoes” by the Rules Committee chairman; looser rules for forcing bottled-up measures to the House floor; and looser “germaneness” restrictions on amendments to revenue bills.

The Washington Post reported at the time that the progressives “formulated an elaborate platform, and say they will not permit the election of a Speaker or the organization of the House until their demands have been met.”

Their strategy was no secret. For as long as it took, they would withhold their votes for Gillett, preventing him from becoming speaker and getting the new House underway.

Longworth scoffed. He declared that GOP leaders “would make no concessions to any organized group,” and predicted that the progressives’ unity would quickly melt away.

The insurgents’ leader, Rep. John Nelson of Wisconsin, warned his colleagues of the intense pressure they would face. “All real progressives will be put to the acid test,” he said.

The first ballot for speaker was held on December 3. The progressives stuck together, and Gillett fell short of the needed votes. Another ballot yielded the same results. And so it went, for nine ballots over three days.

The “Regular Republicans,” led by Gillett and Longworth, vastly outnumbered the “Progressives,” but they couldn’t prevail until they made concessions to the rebels. Eventually, Longworth agreed to their demands for a full debate on the rules, and he placed Nelson on the powerful Rules Committee. The Progressives eventually won their battles regarding pocket vetoes, “germaneness” rules, and forcing bills to the House floor.

DAVID FELLED GOLIATH. IN A NARROWLY DIVIDED HOUSE—LIKE THE ONE IN 1923 (AND QUITE LIKELY IN 2019)—A SMALL, RESILIENT GROUP CAN EXERT ENORMOUS POWER.

HOW CHANGE COULD HAPPEN

THE THREE BIG “LEVERAGE POINTS”

In late 2018, each party will choose their respective party leaders, and in January 2019, the whole House will vote for the speaker and for the rules package that will guide how business is done in the House.

At each step, some bold members of Congress can exert leverage—conditioning their support for leaders on their support for rules changes in late 2018, and if necessary, withholding their votes for speaker and the rules package in January 2019 until they get what they want.

The first day of a new Congress, which occurs every two years, is unusually festive. Children frolic in the normally fusty House chamber, tugging at their Sunday-best ribbons and neckties and posing for photos with their newly elected moms or granddads. Congressional reporters wander in and out of press galleries, glad to see their beat return to life after a sleepy December.

Soon the children leave for lunch and the House gets down to business. Following time-honored rituals, lawmakers buzz through a list of items that generally draw little public notice because, like so many congressional actions, they're predictable and dull. But this moment presents a remarkable opportunity for a handful of reform-minded members to jolt the sclerotic House out of its torpor and, just possibly, restore Congress' ability to tackle America's toughest problems.

Two first-day tasks stand out: electing a new House speaker and adopting a package of rules to guide House procedures for the

next two years. The outcomes may seem pre-ordained thanks to the previous November's election results, but they are not. Lawmakers decide both questions by voting on the House floor, and a majority of everyone “present and voting” determines the results.

Democrats and Republicans face heavy pressure to follow their party leaders' directions. But no one can make them do so, and those who are bold enough to take a stand for their constituents and the American public could force these leaders to make dramatic changes that would give bipartisan ideas a fighting chance, and break the stranglehold of hyperpartisanship.

HERE'S HOW IT COULD HAPPEN.

When a new House convenes in early January of each odd-numbered year, it initially has no speaker and no official members. (They will take the oath of office later that day). In the opening hour, the House clerk—hardly a household name—presides over the chamber.

The first task is to elect a speaker. The clerk calls on a designated leader of each party to place someone’s name into nomination. There are no surprises, because these decisions were made weeks earlier in closed “caucus” meetings of the recently elected Democrats and Republicans. Each party nominates its leader to be speaker, and the clerk calls the roll. Unlike virtually all other recorded House votes, the speaker election has little color and is painstakingly slow. The 435 members stand when their names are called, in alphabetical order, and announce their choice.

NOVEMBER 2018

In recent years, a few rebels in both parties have made noise by refusing to toe the leadership’s line. They voted for a rank-and-file House member, a military leader or some other person to register a grudge that might be personal, political or publicly unclear. This has caused Republican and Democratic leaders some embarrassment, but it has never kept the majority party’s nominee from eventually prevailing.

A nominee must win a majority of the votes cast that day. If all 435 House members are present and voting, that requires at least 218 votes. But if, say, two seats are vacant because of contested elections, and two members are sick back home, then 431 votes are cast and the minimum for election is 216.

JANUARY 2019

As the numbers show, it can require only a handful of majority-party holdouts to force their party leaders to address concerns about House practices and dysfunction. Suppose, in January 2019, the new House is divided 222 to 213 between the parties. If all members vote on opening day, a mere five members of the majority party could prevent their nominee from being elected, by casting their votes for someone else. This would force ballot after ballot—with the House clerk presiding—while party leaders try to negotiate with the holdouts.

A dramatic floor fight over the speaker election or a rules package isn’t the preferred option. It would be contentious and controversial. And ideally, speaker candidates could be persuaded to support rules reforms in advance. This is the carrot option. But the stick is available as a last resort and it has been used before, as we saw with the Progressive Republicans in 1923.

The speaker election is one chokepoint where insurgent reformers could make a stand and exert tremendous leverage over the House’s future. Alternatively, they could wait an hour or so and act as a group to bar passage of a rules package, forcing party leaders to the negotiating table.

Just as the majority House party meets in private after a national election to choose its leaders, including the speaker nominee, it also hammers out a proposed rules package. If everything goes as usual on the first day of Congress, the majority’s package is adopted for the same reasons its choice for speaker is elected. A bloc of reform-minded lawmakers could interrupt either process by casting protest votes until their concerns are addressed. These reformers could insist on rules changes outlined in this book, all of which would make the House more receptive to bipartisan ideas and democratic norms.

3 LEVERAGE POINTS

NOVEMBER 2018

ELECTING LEADERSHIP

Both Democrats and Republicans will meet separately in closed party caucus meetings to choose their respective leaders for the coming Congress. Rank-and-file members can condition their support for party leaders on their willingness to change House rules.

JANUARY 2019

HOUSE SPEAKER ELECTION

On the first day of the new Congress, the House will have its speaker election. To become speaker, a nominee must win the majority of votes cast that day and rank-and-file members can condition their support for the speaker on a nominee’s willingness to change the House rules. If no nominee wins a majority of votes on the first try, it would force ballot after ballot—with the House clerk presiding—while party leaders try to negotiate with the holdouts.

RULES PACKAGE VOTE

After the speaker election is completed, the House votes on the formal rules package. If rank-and-file House members are unable to get the rules changes they want in their party caucus meetings in November, or in the speaker election, this rules package vote is their last chance to do so.

DRORI FMS PRUDENTIAL AND SOLUTIONS

PROBLEM

THE INMATES RUN THE ASYLUM

It's no sin for powerful politicians to want to hang on to power—the question is, what must they do to achieve that?

Unfortunately, House rules often force a speaker to cater (some would say grovel) to a small faction on the ideological fringes of his or her party to retain power. This makes the speaker far less likely to entertain bipartisan ideas or edge toward the political center.

Two rules in particular make it fairly easy for ideological factions to threaten a speaker who doesn't do their bidding.

SOLUTION

VACATE THE MOTION TO VACATE

The “motion to vacate the chair” is a rule that allows any House member to demand a no-confidence vote of the speaker by the full House.

If the demand isn’t withdrawn and the vote is scheduled, then a simple majority of those “present and voting” can oust the speaker, immediately.

The mere threat of such a vote puts tremendous pressure on a speaker to halt any bipartisan coalition-building efforts and placate the rebellious group.

This happened to Republican Speaker John Boehner in 2015. (Among the gripes leveled at him: He tried to negotiate a “grand bargain” on taxes and spending with Democratic President Barack Obama).

A second-term Republican from North Carolina, Mark Meadows filed an unexpected “motion to vacate the chair” just before Congress left for summer recess in July 2015.

He represented a faction of conservatives who potentially could oust Boehner by withholding their support in a no-confidence vote on the House floor. This would allow Democrats—who can’t be expected to back any Republican for speaker under the current rules—to produce enough votes to remove him.

Boehner got the message and soon resigned, before a no-confidence vote could take place. The “motion to vacate” wasn’t the only factor in his decision, but Boehner’s successor—Paul Ryan of Wisconsin—initially said he wouldn’t accept the speakership without changes to the rule.

Ryan was speaker less than three years before announcing he would follow Boehner into retirement at the end of 2018.

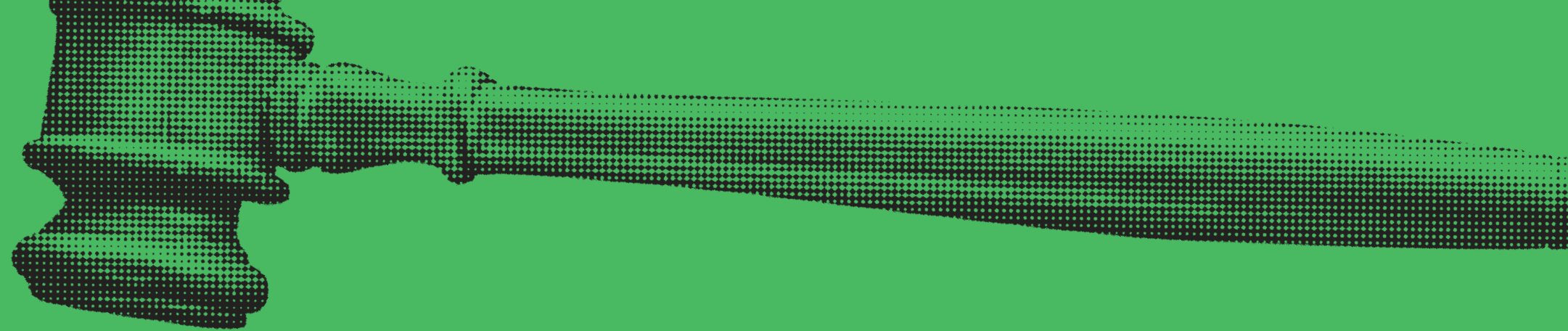
PROPOSED

The next Congress should significantly revise the “Motion to Vacate” rule. The motion should be allowed only when a party’s full caucus votes to file it or when serious ethical allegations have been lodged against the speaker.

SOLUTION

A BIPARTISAN SPEAKER

The House elects its speaker on the first day of each new Congress. The election requires a simple majority of the full chamber, and each party nominates its leader for the post.



The majority party, no matter how slim its numerical edge, traditionally picks the new speaker, with zero help from the opposition.

In short, while the top leader in Congress is technically “speaker of the House,” he or she often functions as a majority leader, catering almost exclusively to the majority party’s wishes and ignoring the minority party.

When a speaker can afford to lose support from only a few party members before his or her power structure collapses, then minority factions within his or her own party have significant leverage. This makes it easy for strongly ideological factions to force speakers to focus on their demands and ignore the opposition party, even if that party holds, say, 49 percent of the chamber’s 435 seats.

PROPOSED

The next Congress should change the rules for electing a speaker. The new minimum number of votes required should equal the majority party’s total membership plus five.

For example: If the majority party has 225 members, a speaker nominee must receive at least 230 votes. Theoretically, this could require a speaker to win support from only five opposition party members. But in recent years, several House Republicans and Democrats have refused to back their party’s nominee, so it’s quite possible that a would-be speaker would have to win the backing of numerous minority party members.

If a would-be speaker has to receive even a few opposition-party members’ votes, it will weaken the leverage of the ideological fringes. Whenever a hardcore member says, “I won’t vote for you because you’re too accommodating,” it forces the speaker-nominee to find yet another vote from the opposition party. People will soon learn that this new rule works for bipartisanship and against extremism.

PROBLEM

MINORITY PARTY MIGHT AS WELL STAY HOME

House rules allow the majority party to completely dominate action and decisions at virtually every level, even if that party holds a narrow numerical edge over the other party.



In recent years, Congress has passed historic far-reaching legislation with no votes and sometimes no input from the opposition party. In 2010, a Democratic-controlled Congress passed the Affordable Care Act with nary a Republican vote. And in 2017, the Republican-controlled Congress passed the Tax Cuts and Jobs Act with no Democrats.

Part of the problem is that the division of real power in Congress is disproportionate to the choices America’s voters make. For instance, in 2018, Republicans held 69 percent of seats on the powerful Rules Committee—which has almost complete control over what happens on the House floor—even though they held only 55 percent of the total House seats.

House rules and practices give the majority party nearly total control when deciding:

Which bills a committee will consider, who will testify, and who will write reports on the full committee findings.

Which bills can reach the House floor for votes and who can offer amendments.

Which House members will have a meaningful voice in trying to reconcile differences in Senate and House bills on a given topic. (This work is done in “conference committees.”)

IN MANY INSTANCES, A PARTY THAT HOLDS 49 PERCENT OF THE HOUSE’S 435 SEATS MAY AS WELL HAVE ZERO.

FAIR NOTICE FOR ALL BILLS

The majority party often games the House schedule by giving the minority members and staffs too little time to prepare for important committee meetings. The next Congress should require a minimum of a 5-business day notice of a committee “markup” (in which legislation is debated, amended and either sidelined or sent to the full House) unless the committee’s top Democrat and Republican agree to a different schedule.

AN OPENING FOR AMENDMENTS

Reduce the number of “closed rules” on proposed legislation. (A closed rule denies the minority party a chance to offer amendments on the House floor). To do this, require a three-fifths supermajority to approve a “fully closed” rule that allows no amendments.

REPRESENTATION ON RULES COMMITTEE

Give the minority party fair representation on committees. Require party ratios on all committees (including Rules) to equal the party ratio of the entire House.



PROBLEM

NO ACCOUNTABILITY. NO CONSEQUENCES.

Here is a simple idea most every American understands: If you don't come to work—if you don't do your job—there will be consequences. But not in Congress.

ONE PARTICULARLY EGREGIOUS EXAMPLE STANDS OUT.

The most basic responsibility Congress has is deciding how much money the government takes in and how much it spends. But Congress rarely ever passes a budget on time, or at all.

Congress has failed to pass a formal budget resolution in six of the last seven fiscal years. The upshot is more wasteful and inefficient government. When Congress fails to pass a budget—and the subsequent spending bills—on time, it relies on temporary spending

measures called continuing resolutions, which provide the money federal agencies need to operate based roughly on what they spent the previous year. What continuing resolutions don't provide is any chance for Congress to debate the most fundamental question of all:

Why are we spending this money?

Congress spends and asks questions later when it should instead be spending only after figuring out what goals it's trying to achieve.

**CONSIDERING THAT THE CONGRESSIONAL BUDGET OFFICE
PREDICTS THE U.S. FISCAL DEFICIT WILL EXCEED \$1 TRILLION BY
2020, THIS JUST ISN'T ACCEPTABLE.**

NO BUDGET NO PAY

Every government fiscal year begins October 1. If the congressional appropriations (spending) process is not completed by that date, congressional pay ceases as of October 1, and isn't restored until appropriations are completed. The No Budget, No Pay Act was signed into law in 2013 but it expired at the end of the 2013-2014 session of Congress. It should be resurrected in the next session.

PROPOSED

If Congress can't make budget and spending decisions on time, members shouldn't get paid.

ANNUAL FISCAL REPORT

One of the chief obstacles to fixing America's finances is that no one seems to agree what's really on our balance sheet. When leaders in Washington debate our budget, they routinely use different baselines, projections and assumptions, which often conveniently support whatever policy they are pushing at the moment. To quote an old Scottish writer,

many Washington officials "use statistics as a drunken man uses lampposts—for support rather than for illumination."

The American people deserve to know what's really happening with our nation's finances, and we believe Congress should at least be able to work from the same set of numbers.

PROPOSED

Each year, the Comptroller General should make a televised update on the nation's finances before a joint session of Congress. The president, vice president, cabinet members and members of Congress must acknowledge the report by signing it just as CEOs must affirm the accuracy of their company's financial reporting.

PROBLEM

GOOD GOVERNMENT REFORMS MADE GOVERNMENT WORSE

With each passing year, Congress does less and less. Even once-routine actions have become nearly impossible.

FOR INSTANCE, IN THE PAST 20 YEARS, CONGRESS HAS FAILED TO PASS MORE THAN A THIRD OF THE DOZEN APPROPRIATIONS BILLS THAT IT IS SUPPOSED TO COMPLETE EACH YEAR BY THE END OF ITS FISCAL YEAR.

House Speaker Paul Ryan calls the budgeting and appropriations process “irreparably broken.”

As for tougher challenges, such as overhauling the nation’s deeply troubled immigration system or securing Medicare and Social Security for the long-term, forget it. Effort after effort has gone nowhere, leaving us with a status quo that satisfies almost no one.

Many factors contribute to this gridlock and dysfunction. A key one is that congressional leaders don’t have enough tools to persuade rank-and-file members to make concessions and agree to negotiated solutions that can pass the House and Senate. When reluctant lawmakers ask, “What’s in it for me and my constituents?” the leaders often lack persuasive answers. It wasn’t always that way, and it can change.

Until 2011, lawmakers could add a limited number of targeted spending items to must-pass bills. These “earmarks” typically directed federal funding for a local bridge, museum or other project popular with voters back home. These sweeteners made it easier for rank-and-file members to cast tough votes on unpopular but necessary issues, such as raising the debt ceiling.

But some lawmakers and lobbyists abused the earmark system, culminating in the proposed “bridge to nowhere,” a \$223 million bridge project that would have connected a small Alaskan city to an island with a population of 50 people. This proved a bridge too far. Amid public outcries, Congress banned earmarks in 2011.

Since then, a number of lawmakers, academics and advocates have called for restoring earmarks under tight reforms, including divulging the sponsor’s name and publishing details for public scrutiny. They note that earmarks don’t increase overall federal spending. Instead, they let Congress rather than the executive branch decide where a small portion of funds, already appropriated, should be spent. And they give legislative leaders a tool for building support for difficult bills.

Earmarks are often decried as “pork barrel” spending. But some pork-barreling has been important to American governance since the very start. Consider the 1790 compromise, essential to the young republic’s early progress. Alexander Hamilton prevailed in having the national government assume responsibility for states’ debts, and in return, Thomas Jefferson and James Madison of Virginia obtained the national capital (the District of Columbia) for the South.

SOLUTION

GIVE MEMBERS OF CONGRESS A REASON TO GET TO "YES"

PROPOSED

Give lawmakers reasonable tools to secure support for important bills. Restore the ability to include open allocation of funds to identified projects (a form of earmarks) in appropriations bills, provided the sponsors are publicly identified.

PROBLEM

COMMITTEES GET CUT OUT OF THE LEGISLATIVE PROCESS

Congress has committees for a reason. The federal government is the biggest organization in the country, with a budget of over \$4 trillion, almost three million employees, and over 400 departments, agencies, and sub-agencies.

No member of Congress could possibly understand or oversee everything the government does. So committees divvy up responsibility, allowing members to develop expertise in certain areas and report out legislation in their area (e.g. transportation, judiciary, agriculture, etc.) for consideration by the whole Congress.

But today's committees are too weak and complacent. Most have largely shirked their traditional role of hiring top-rate staffers and digging deeply into national problems, then seeking feasible solutions through rigorous debate and amendments.

Instead, major pieces of legislation often come directly from the leadership's office to the Rules Committee and then to the House floor, bypassing the jurisdictional committees. Lost in the process are the many hours of knowledge-based scrutiny and expert testimony that important bills deserve.

MORE WORRISOME IS THE SHIFT OF POWER TO A SMALL GROUP OF PARTY LEADERS AND AWAY FROM RANK-AND-FILE HOUSE MEMBERS AND THE COMMITTEES THAT ONCE HANDLED MUCH OF CONGRESS' IMPORTANT, NITTY-GRITTY WORK.

"REGULAR ORDER"

The 1986 tax overhaul is a great example of solid, comprehensive legislation that came from a diligent and bipartisan process of "regular order." The year-long endeavor involved repeated negotiations between Republican President Ronald Reagan, a GOP-controlled Senate and a Democratic-controlled House. The House Ways and Means Committee held 26 days of markups and 36 hearings, including testimony from more than 450 experts and witnesses.

The new law simplified the tax code, broadened the tax base and eliminated many tax shelters. The New York Times called it "a prime example of how the American system of government gets things done."

"Regular order" means different things to different people. But it is mostly understood as the array of rules, procedures and customs that enable Congress to assess problems and solutions in a deliberate and orderly fashion. Good policy solutions are more likely to be found when Congress and its committees invest the time to gather information; consult with experts and various stakeholders who will be impacted by legislative changes; and hold a robust and open debate between and within the political parties. That's the way it should work and often did through much of U.S. history. But "regular order" is a bygone relic in today's Congress.

RETURN TO REGULAR ORDER

AMONG OTHER THINGS, THIS WOULD ENTAIL:

Meeting deadlines for completing all regular appropriations bills.

Having major legislation debated and crafted in appropriate committees, not leaders' offices.

Appointing meaningful "conference committees" (tasked to reconcile differences between House and Senate bills on a given topic) in which members from both parties are empowered to discuss issues and hammer out solutions.

Phasing out the funding of unauthorized programs.

PROBLEM

RANK-AND-FILE IS ALONG FOR THE RIDE

In recent years, power in Congress has resided in two places: [the speaker's office and among the small, ideological factions who are willing to play hardball to get what they want.](#)

MANY MEMBERS OF CONGRESS ARE ALONG FOR THE RIDE.

Rank-and-file members do have a little-used but very powerful option to exert their influence. It's called a discharge petition, which can force legislation to the House floor against the speaker's wishes. It requires 218 signatures in the 435-member chamber. That means some members of the speaker's majority party must join the effort if it's to succeed.

But the threat of political retribution makes that a tough choice. The discharge petition rule was changed in 1993, making all signers publicly known, rather than anonymous as before. Speakers have immense power to

punish colleagues who defy them. And so members are reluctant to challenge a speaker head-on because they know the speaker can kick them off prized committees or turn off the fundraising spigot.

A speaker also exercises outsized power by dominating the all-important Rules Committee. This committee decides which bills will reach the House floor for votes, and it sets limits on amendments and debate. These limits often make it virtually impossible for the minority party to argue its case regarding the legislation.

SOLUTION

EMPOWER THE RANK-AND-FILE TO RISE UP

ANONYMOUS DISCHARGE PETITION

Make it easier for members to act on their conscience without facing political punishment by restoring anonymity to discharge petition votes.

DEMOCRATIZE THE RULES COMMITTEE

Members of the Rules Committee should be chosen by each party's steering committee and approved by the party's conference or caucus. When the speaker no longer can choose the majority party's Rules Committee members, it will better reflect the overall party and be less beholden to its top leader.

PROBLEM

HARD TO DO THE JOB WHEN YOU'RE NOT ON THE JOB

Most working Americans
put in an honest five-day
week.

They show up Monday morning (or whenever their first shift starts), work their eight hours, and continue the pattern for five full days.

Not Congress. Even when Congress is “in session,” many members arrive in Washington on Tuesday, put in a full workday on Wednesday, and fly home Thursday evening.

This doesn't mean members of Congress aren't working hard. Most of them have punishing work and travel schedules, but too much of the time is spent fundraising or figuring out how to one-up the other party and too little time spent trying to pass meaningful legislation to solve problems.

**ONE REASON CONGRESS CAN'T GET MUCH DONE IS
BECAUSE MEMBERS AREN'T SHOWING UP IN THE HALLS OF
THE SENATE OR HOUSE MORE THAN A FEW DAYS A WEEK.**



A FIVE-DAY WORK WEEK

Congress should follow a five-day workweek when they are in session.



PROBLEM

ALL TALKING POINTS AND NO DEBATE

Today the president and members of Congress can more often be found talking past one another through the media. The issues facing our country are too important to be decided by a war of partisan talking points.

Let's get the ideas on the table, debate them, and **let the American people decide.**

SOLUTION

QUESTION TIME FOR THE PRESIDENT

PROPOSED

We should take a cue from the British Parliament's regular questioning of the prime minister to create question time for the president and Congress.

These meetings occasionally may be contentious, but at least they force leaders to actually debate one another and defend their ideas.

On a rotating basis, the House and Senate each month could invite the president to a 90-minute televised session of questions and answers with lawmakers.



CONCLUSION

*the House of
Representatives
shall choose
their Speaker*

TIME FOR VOTERS TO SEND A MESSAGE TO EVERY CANDIDATE RUNNING FOR CONGRESS IN 2018:

"YOU WON'T HAVE MY SUPPORT
UNLESS YOU SUPPORT *THE
SPEAKER PROJECT*"

The conventional wisdom goes like this:

America is hopelessly divided. We can barely agree the sky is blue. And that's why our leaders in Washington can't or won't work together. It's nonsense.

The American people agree on plenty. *They* aren't the problem.

The problem is a hyperpartisan Congress that abdicates its responsibility to confront America's challenges. And much of the dysfunction stems directly from congressional rules and practices.

These can change. In fact, they *must* change. And members of Congress, especially in the House, hold the power in their hands to make it happen. All they need is the vision and willpower to stand strong and insist on the rules changes, despite certain resistance from entrenched leaders and extremists on both sides. American voters must have the backs of these brave lawmakers, making it clear they will support them in the next election and beyond. Voters need to make clear that they will get behind only those candidates willing to fight for the reforms outlined in *The Speaker Project*.

A messy floor fight in January 2019 certainly isn't the preferred option. But it may be necessary if prospective House leaders refuse change.

The Speaker Project is much more than a well-intended list of reform ideas. It is the beginning of a grassroots campaign that will continue for many months to come.

No Labels certainly doesn't expect every, or even most, ideas in *The Speaker Project* to be implemented in the next Congress. But

substantive rule and procedural reform of some kind should be non-negotiable for any American who cares about reversing this dysfunction in Washington.

The American people have a generational opportunity to help ensure our next House speaker is someone who won't kowtow to the bullies and extremists in their own party, allows the minority party to be heard and supports rule changes that give bipartisan ideas a fighting chance.

Both Democrats and Republicans in Congress have a responsibility to make this happen. After the 2018 midterm elections, the majority party needs to reach out to the minority and treat them as true governing partners. But the minority party has a responsibility as well: to not use their seat at the table to try to embarrass the majority. A more open legislative process shouldn't be used as an opportunity to file politicized amendments to bills that have nothing to do with finding solutions and everything to do with positioning for the next election.

This book lays out the changes needed in our Congress, why they're needed, and how they can be achieved. This election year, with House control in the balance, is the perfect time to act. Call or write your members of Congress. Find out who's running for office in your district. Write letters to the editor, talk to your friends, raise a ruckus.

**IT'S TIME TO CHANGE THE RULES
OF CONGRESS TO RESTORE OUR
DEMOCRACY AND SAVE OUR
COUNTRY.**



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