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Top 10 Rules Changes in the 117th Congress

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On January 4, the House adopted H.Res. 8, the rules package for the 117th Congress. Here are some of the biggest changes in the package:

- 1. Motion to Recommit (MTR):** The motion to recommit with instructions was a floor procedure that allowed the minority party to force “gotcha” votes on poison pill amendments. Those amendments have targeted immigrants, reproductive rights, and historically disadvantaged communities. The new rules for the 117th Congress eliminate the MTR with instructions. Instead, the MTR is now a nondebateable motion to send a bill back to committee. This reform comes after more than 30 organizations [sent a letter](#) to the House Rules Committee requesting the House eliminate the MTR with instructions in the 117th Congress.
- 2. PAYGO Rule:** The House “pay as you go” (PAYGO) rule is a point of order that prohibits legislation from being considered if it raises direct spending or cuts taxes without that change being offset elsewhere. The new rules exempt legislation providing economic and health responses to the pandemic as well as measures designed to combat climate change from the House PAYGO rule. However, the Senate PAYGO rule and Statutory Pay-As-You-Go Act remain in effect. [More than 30 organizations](#) pushed for PAYGO reform.
- 3. Combating Inequality:** The rules package establishes the Select Committee on Economic Disparity and Fairness in Growth, tasked with developing recommendations on policies, strategies, and innovations with respect to economic fairness, access to education, and workforce development. It also requires standing committees to address issues of inequities on the basis of race, color, ethnicity, religion, sex, sexual orientation, gender identity, disability, age, or national origin.
- 4. Gender-Neutral Language:** The new rules promote inclusive language by making all pronouns and familial relationships in the House rules gender-neutral.
- 5. Office of Diversity and Inclusion:** The rules package permanently establishes the Office of Diversity and Inclusion, tasked with the effort to facilitate a diverse workforce. It requires a regular survey of staff to better understand who works in Congress. In addition, the rules package directs the Office of Diversity and Inclusion to develop a method for evaluating the diversity of witnesses at committee hearings as a next step in the effort to increase witness diversity. This comes after the Congressional Hispanic Caucus, Congressional Black Caucus, and Congressional Asian Pacific American Caucus announced the [Witness Diversity Initiative](#) to track the diversity of expert witnesses that testify before committees.

- 6. Truth-In-Testimony Disclosures:** “Truth-in-Testimony” disclosures require House committee witnesses to submit to Congress any potential conflicts of interest. The rules package strengthens the disclosures by: (1) adding grants to the reporting requirement for foreign payments; (2) expanding the lookback period for reporting to 36 months; (3) requiring witnesses to disclose whether they are the fiduciary of any organization or entity with an interest in the subject matter of the hearing; and (4) requiring, to the extent practicable, the disclosures be made publicly available 24 hours prior to the witness’s appearance at a hearing.
- 7. Subpoena Authority:** Throughout the 116th Congress, the Trump Administration refused to comply with congressional subpoenas, claiming that executive privilege exempted them from testifying or turning over certain documents. The new rules clarify that the House committees’ subpoena authority extends to current or former presidents and vice presidents in their personal or official capacities, as well as any current and former White House employees.
- 8. Whistleblower Protections:** In the 116th Congress, Republicans outed a whistleblower at the center of the 2019 impeachment inquiry. The rules package for the 117th Congress protects federal and congressional whistleblowers by prohibiting Members and staff from disclosing or retaliating against a whistleblower and codifying the Office of the Whistleblower Ombuds, originally established in the 116th Congress.
- 9. Ethics:** The rules package prohibits former Members of Congress from having access to the House floor if they have been convicted of a crime related to their House service or election. It also directs an Ethics Committee report on disinformation and “deep fakes” to address sharing of manipulated photos or videos through official House accounts.
- 10. Technology and Transparency:** The rules broaden the availability of legislative documents in machine-readable formats, encouraging the development of an improved Committee Repository (docs.house.gov) to include significant documents like votes and amendments and making permanent the option to electronically submit committee reports. Additionally, the rules require committees to post amendments considered in markups (including those not adopted) on their websites within 48 hours.

BONUS

Select Committee on the Modernization of Congress: The Select Committee was originally established in the 116th Congress to last one year, but after issuing 97 reform recommendations, has been brought back for another Congress. This committee can be an engine to push important reforms to the Legislative Branch that improve how the People’s House operates.