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*Motions to Recommit in the House*

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November 26, 2008

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# Motions to Recommit in the House

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## Summary

A motion to recommit is one of the final steps in House consideration of legislation. The rules of the House permit motions to recommit under two different circumstances. First, immediately before the House votes on passing a bill or joint resolution, a Member can move to recommit that measure to a House committee, typically the one that had considered and reported it. Second, before the House votes to accept or reject a conference report, a Member sometimes can move to recommit the report to the conference committee. In each case, the right to make recommittal motions is a prerogative of the minority party. For more information on legislative process, see <http://www.crs.gov/products/guides/guidehome.shtml>.

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## Recommitting a Bill or Joint Resolution

Under clause 2 of Rule XIX, one motion is in order to recommit a bill or joint resolution after the House has ordered the previous question on the measure and before the vote on passing it. The Speaker gives preference in recognition for this purpose to a Member of the minority party who opposes the bill. A member of the committee that reported the bill is likely to be recognized before a non-committee member, and any member of the minority party would be recognized before a member of the majority party. House resolutions and concurrent resolutions are not subject to recommittal motions.

This motion to recommit can take two different forms. A *simple* or *straight* motion only proposes to recommit (or send back) the bill or joint resolution to the committee that reported it. This motion is not debatable and, if adopted, can have the effect of killing the measure (a committee is less likely to bring up a bill that the House has already effectively rejected). The House does not often adopt a motion to recommit in this form. More common is the motion to recommit *with instructions*. In this form, a recommittal motion proposes to return the measure to committee with certain instructions regarding actions the committee, as an agent of the House, should take. For example, the motion may instruct the committee to hold additional hearings.

Most frequently, Members move to recommit measures to committee with *amendatory instructions*. Such a motion typically proposes to recommit a bill or joint resolution to the committee that had reported it with instructions that the committee report the measure back to the House “forthwith” with a certain amendment, the text of which is included in the recommittal motion.

If the House adopts such a motion, the committee to which the measure has been recommitted is given no time in which to act and no discretion about how to act. As a result, the recommitted measure never actually leaves the House floor. Instead, the committee chair immediately rises and, on behalf of the committee and pursuant to the House’s instruction, reports the bill back to the House with the amendment contained in the recommittal motion. The measure then is back before the House with that amendment pending. The House votes on agreeing to the amendment and then on final passage of the bill, as amended, if amended.

If the House adopts a motion with instructions that do not explicitly call for the measure to be reported back to the House “forthwith,” but instead use any other term, such as “promptly,” the bill or joint resolution is no longer before the House and would return to the specified committee for further action.

In effect, therefore, a motion to recommit with amendatory instructions provides one last opportunity for a Member, almost always from the minority party, to offer an amendment to the

bill or joint resolution the House is considering. This amendment and, therefore, the recommittal motion that contains it, must meet the same requirements as any other amendment. The amendment must be germane, for example, and it may not propose only to amend a portion of the measure that already has been amended. If a point of order is sustained against the amendments contained in the motion to recommit, a Member would be allowed to offer another valid motion to recommit, so long as it was in order under the rules.

A motion to recommit a measure with instructions is debatable for 10 minutes unless the majority floor manager of the measure asks that the time for debate be extended to an hour. In either case, the time is equally divided between the Member making the motion and a Member opposing it. Amendments may be offered to the motion to recommit, if the previous question is not ordered, or if the previous question fails. The Rules Committee is prohibited by Rule XIII, clause 6(c), from reporting a special rule that precludes a recommittal motion with amendatory instructions if the minority leader or his designee seeks recognition to make the motion (except when the House considers a Senate bill only for the purpose of arranging a conference with the Senate). For more on the motion to recommit, see CRS Report RL34757, *The Motion to Recommit in the House of Representatives: Effects, Recent Trends, and Options for Change*, by Megan Suzanne Lynch.

## Recommitting a Conference Report

After the House orders the previous question on a conference report, a Member may move to recommit the report to conference if the House is the first chamber to act on it. If the Senate has already approved the report, the effect of that vote is to discharge the Senate's conferees, so there no longer is a conference committee to which the House might recommit the report. (The same holds true in reverse: if the House acts first on the conference report, then the Senate may not offer a motion to recommit that measure to conference.)

As with initial consideration, one valid motion to recommit is in order. That motion may propose simply to return the report to the conference committee. Almost always, however, the motion recommits the report with instructions to the conferees to present a new report that meets whatever criteria are contained in the instructions: for example, to insist on a certain House position or to reach a different compromise with the Senate that satisfies certain conditions. However, the instructions contained in the recommittal motion may not include argument or instruct the House's conferees to reach some agreement that exceeds their authority as conferees. No point of order lies against any conference report for failing to comply with instructions that the House had voted to give its conferees.

In this form also, making the motion to recommit remains the prerogative of the minority party unless no minority party member seeks recognition to offer the motion. The motion to recommit a conference report is amendable if the House does not vote to order the previous question on the motion.

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This report was originally written by Stanley Bach, formerly a senior specialist in the Legislative Process at CRS. The listed author updated the report and is available to answer questions concerning its contents.

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