



# The Motion to Recommit in the House of Representatives: Effects and Recent Trends

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January 24, 2011

Congressional Research Service

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[www.crs.gov](http://www.crs.gov)

RL34757

## Summary

When the House considers legislation, one of the last steps it takes is to consider a motion to recommit. The motion to recommit represents the last chance of the House to affect a measure. In practice, that means either to offer amendatory language or to send the bill back to committee.

The motion to recommit is typically offered after the previous question has been ordered on a measure, but before the House votes on final passage. Preference in recognition for offering a motion to recommit is given to a member of the minority party who is opposed to the bill. It is not in order for the House Committee on Rules to report a special rule that would preclude the offering a motion to recommit a bill or joint resolution prior to its initial passage, including a motion to recommit which contains amendatory instructions.

Motions to recommit are of two types: “straight” motions and motions that include instructions. If adopted, a “straight” motion to recommit sends a measure to committee with no requirement for further consideration by the House. A successful motion to recommit with instructions allows any amendatory language included in the motion to be adopted immediately without the measure leaving the House floor.

A motion to recommit may have various procedural effects, including amending an underlying measure, sending it to one or more committees, providing additional time for its consideration, or potentially disposing of the legislation. The motion to recommit might also have political effects.

During the 110<sup>th</sup> Congress, there were three significant statistical trends pertaining to motions to recommit: an increase in the total number of motions to recommit, a disproportionate increase in motions with “non-forthwith” instructions (a type of motion to recommit that is no longer in order under current House Rules), and a rise in the adoption of motions to recommit “forthwith.” When compared with the 110<sup>th</sup> Congress, the 111<sup>th</sup> Congress experienced a decrease in motions to recommit and a slight decrease in the adoption of motions to recommit.

This report provides an overview of House rules and precedents governing the motion to recommit, describes procedural and political effects of the motion, and examines the use of the motion since the 100<sup>th</sup> Congress. This report will be updated to reflect any changes in House rules governing the usage of the motion to recommit.

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## House Rules Governing the Motion to Recommit

When the House considers legislation, one of the last steps it takes is to consider a motion to recommit. The motion to recommit represents the last chance of the House to affect a measure. In practice, that means either to offer amendatory language or to send the bill back to committee.

In practice, the motion to recommit, as authorized by Rule XIX, is offered after the previous question has been ordered on passage.<sup>1</sup> For these motions, the Speaker affords priority in recognition to those opposed to the measure,<sup>2</sup> giving preference among those opposed to a minority party Member<sup>3</sup> which has resulted in the motion being dubbed, “the minority’s motion.” Among minority opponents, priority to offer the motion is given first to the Minority Leader or his designee, and then to members from the reporting committee in order of their committee seniority.<sup>4</sup>

Only one proper motion to recommit is in order. If a motion to recommit is ruled out of order, a second, proper, motion to recommit may be offered.<sup>5</sup> Although uncommon in practice, a motion to recommit may be amended, but only if the previous question has not yet been ordered on the motion. A motion to recommit offered after the previous question has been ordered on the bill may not be tabled.<sup>6</sup>

House rules specifically prohibit the House Committee on Rules from reporting a special rule that would prevent the motion to recommit from being offered on initial passage of a bill or joint resolution.<sup>7</sup> House rules also guarantee that the motion to recommit may include instructions that include an amendment otherwise in order, if offered by the Minority Leader or his designee.<sup>8</sup> This guarantee does not apply to consideration of a Senate bill for which the text of a House-passed measure has been substituted because the motion would have been protected during initial consideration of the House-passed measure.

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<sup>1</sup> The motion to recommit may also be in order pending the motion for the previous question. For measures considered under the terms of a special rule, however, the previous question is typically agreed to as part of that rule so in practice the motion is usually offered only after the previous question has been ordered. The information in this report involves those motions to recommit in order after the previous question has been ordered on the measure. The rules and practices described do not necessarily apply to motions to recommit conference reports. For more information regarding the recommit of conference reports, see CRS Report RL33860, *The Motion to Recommit in the House: The Minority’s Motion*, by (name redacted), or William Holmes Brown and Charles W. Johnson, *House Practice, A Guide to the Rules, Precedents and Procedures of the House* (Washington: GPO, 2003), p. 358 (Referred to hereafter as *House Practice*).

<sup>2</sup> Rule XIX, clause 2(a).

<sup>3</sup> A Member, Delegate or the Resident Commissioner.

<sup>4</sup> *House Practice*, p. 809.

<sup>5</sup> *Ibid.*, p. 810.

<sup>6</sup> U.S. Congress, *Constitution, Jefferson’s Manual, and Rules of the House of Representatives*, H.Doc.109-157, 109<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 2007), §1002a. (Hereafter cited as *House Manual*.)

<sup>7</sup> In instances when the previous question is operating.

<sup>8</sup> Rule XIII, clause 6(c)(2).

## Types of Motions to Recommit

Motions to recommit are characterized as being of two types. The first type, referred to as a “simple” or “straight” motion to recommit, includes no instructions. If adopted by the House, it returns the underlying measure to committee. When a “straight” motion to recommit is offered, the clerk will report it in the following form:

Mr. Obey of Wisconsin moves to recommit the bill, H.R. 3010 to the Committee on Appropriations.<sup>9</sup>

The other type of motion to recommit includes instructions and must be offered “forthwith,” meaning that if the House adopts such a motion, the measure remains on the House floor and the committee chair (or designee) immediately rises and reports the bill back to the House with any amendment(s) contained in the instructions of the recommittal motion. The House votes on agreeing to the amendment(s) before moving to final passage of the bill as it may have been amended. Typically, if the motion to recommit has been agreed to, the amendment in the instructions is agreed to by voice vote. However, amendment(s) in the instructions are subject to division of the question if it consists of two or more separable substantive propositions.<sup>10</sup>

When a motion to recommit with instructions is offered, the clerk will report it in the following form:

Mr. Hunter moves to recommit the bill, H.R. 3159, to the Committee on Armed Services with instructions to report the same back to the House forthwith, with the following amendments. In subsections (a)(1) and (b)(1) of section 2, strike “No unit” each place it appears and insert the following: “Subject to section 3, no unit”...<sup>11</sup>

Both types of motions to recommit are debatable for 10 minutes.<sup>12</sup> The majority floor manager of a bill or joint resolution may ask that debate time be extended to one hour. In either case, debate time is equally divided between the Member making the motion and a Member opposing it.

## Restrictions on Instructions in Motions to Recommit

Instructions in a motion to recommit generally may not propose to do that which may not be done by amendment under the rules of the House.<sup>13</sup> For example, instructions that do any of the following would be out of order:

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<sup>9</sup> *Congressional Record* (daily edition), vol. 151, June 24, 2005, p.H5163.

<sup>10</sup> House Rule XVI clause 5. With some exceptions, a question shall be divided on the demand of any Member, Delegate, or Resident Commissioner anytime before the question is put to the House for a vote, if it “includes propositions so distinct in substance that, one being taken away, a substantive proposition remains.” For example, on May 28, 2010, the Chair divided the instructions in a motion to recommit H.R. 5116 “among nine separable portions.” Only four of nine portions were agreed to. *Congressional Record* (daily edition), vol. 156, May 28, 2010, p. H4188.

<sup>11</sup> *Congressional Record* (daily edition), vol. 153, August 2, 2007, p. H9576.

<sup>12</sup> Because House Rule XIX, clause 2(b) specifically provides for debate only when the motion is offered to a bill or joint resolution, there is no guarantee of debate when offered to a simple or concurrent resolution.

<sup>13</sup> *House Manual*, §1002b.

- Propose an amendment that is not germane to the measure;
- Amend or eliminate an amendment already adopted by the House, unless permitted by a special rule;
- Propose an amendment in violation of Rule XXI clause 2,4, or 5.<sup>14</sup>
- Propose an amendment in violation of Rule XXI, clause 10, “the PAYGO rule,”<sup>15</sup> and
- Authorize a committee to report at any time or direct a committee to report by a date certain.<sup>16</sup>

## A Brief History of the Motion to Recommit

The motion to recommit has its antecedents in the British Parliament and has existed since the First Congress. Prior to 1909, however, it operated differently than it does today, and priority in recognition for the offering of the motion to recommit was not reserved for a member opposed to the measure. Instead, as former Speaker of the House Joseph G. Cannon remarked:

The object of this provision [for a motion to recommit] was, as the Chair has always understood, that the motion should be made by one friendly to the bill ...<sup>17</sup>

Often, the majority floor manager of a bill would make a “straight” motion to recommit with the expectation that it would be defeated. Since only one proper motion to recommit is in order, this would preclude anyone else from trying to use the motion in order to defeat or amend the measure.

For most of the history of the House, the purpose of the motion to recommit more closely resembled the current usage of the motion to reconsider. Recommittal provided Members with a final opportunity to correct errors within the measure, and in 1891, the Speaker ruled that a bill could be recommitted “forthwith,” meaning the committee chair would report the amendments in the motion at once, without the bill having to be sent back to committee formally.<sup>18</sup>

The use of the motion to recommit changed substantially in 1909 as a result of changes made in House procedures championed largely by a coalition of Democrats and Progressive Republicans who opposed the autocratic rule of Speaker Cannon. During debate on the adoption of the rules package for the 61<sup>st</sup> Congress (1909-1910), the previous question was defeated, allowing Representative John Fitzgerald to propose a set of rules changes, one of which guaranteed priority in recognition to offer the motion to recommit to a Member opposed to the bill. This rules change

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<sup>14</sup> Generally these rules prohibit consideration of unauthorized appropriations, legislation on an appropriations bill, appropriations on bills not reported by the Committee on Appropriations, and taxes or tariffs in bills not reported from the Committee on Ways and Means.

<sup>15</sup> The House PAYGO rule requires that legislation affecting direct spending or revenues must not increase the deficit.

<sup>16</sup> *House Manual*, §1002b.

<sup>17</sup> Clarence Cannon, *Cannon’s Precedents of the House of Representatives of the United States* (Washington: GPO, 1936), vol. VIII, § 2762 (hereinafter referred to as *Cannon’s Precedents*).

<sup>18</sup> Asher C. Hinds, *Hinds’ Precedents of the House of Representatives of the United States* (Washington: GPO, 1907), vol. V, §5545-47.

was offered with the stated purpose of giving “the minority the right ... to have a vote upon its position upon great public questions.”<sup>19</sup> Further, the Fitzgerald amendment prohibited the Rules Committee from reporting any special rule that would prevent the offering of a motion to recommit. This amended rules package passed 211 to 173.

It was not until 1932, however, that precedent definitively established giving priority in recognition to offer the motion to a *minority party* Member opposed to the bill.<sup>20</sup> This solidified the motion as a “minority right.”

At the beginning of the 92<sup>nd</sup> Congress, the language now contained in House Rule XIX, clause 2(b), was added to the standing rules, allowing ten minutes of debate on a motion to recommit with instructions, equally divided between a proponent and an opponent.<sup>21</sup>

Also in the 92<sup>nd</sup> Congress, a new rule made recorded votes in the Committee of the Whole in order for the first time,<sup>22</sup> causing some to question whether the motion to recommit had become redundant or unnecessary. An earlier ruling by the Speaker pro tempore noted that in the Committee of the Whole, “... there is no roll-call vote, so that the only opportunity that a minority may have to go on record is by means of a motion to recommit in the House.”<sup>23</sup> Since the rules now allowed for recorded votes in the Committee of the Whole, some argued that the motion’s main purpose could be achieved in other ways, making the motion to recommit “much less necessary.”<sup>24</sup> The right of the minority to offer a motion to recommit, however, remained intact, even in light of the expanded rules on voting.

Following the successful adoption of a motion to recommit in 1984 that included the Crime Bill as amendatory instructions, the House decided that ten minutes of debate might not always be sufficient since these motions had the potential of adding substantial portions of legislation to an underlying measure.<sup>25</sup> At the start of the 99<sup>th</sup> Congress, the current language in clause 2(c) of the rule was added, allowing the majority floor manager to demand that debate time on the motion be extended to one hour, equally divided and controlled by the proponent and an opponent. To date, the one hour extension has been demanded only once.<sup>26</sup>

During the 1980s and 1990s the Rules Committee issued what the minority perceived to be an increased number of special rules restricting both the amending process as well as the motion to recommit.<sup>27</sup> In 1995, the House added language now in Rule XII, clause 6(c) prohibiting the Rules

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<sup>19</sup> Remarks of Rep. John Fitzgerald, *Congressional Record*, vol. 55, March 15, 1909, p. 23.

<sup>20</sup> *Cannon’s Precedents*, vol. VIII, § 2697.

<sup>21</sup> *House Manual*, §1002a.

<sup>22</sup> H.Res.1123 (92<sup>nd</sup> Congress), agreed to in the House on October 13, 1972.

<sup>23</sup> The ruling was made on May 19, 1932. *Cannon’s Precedents*, vol. VIII, § 2698.

<sup>24</sup> Statement of (name redacted), U.S. Congress, Committee on Rules of the House, *Roundtable Discussion on the Motion to Recommit*, committee print, 102<sup>nd</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 1992), p. 12 (hereinafter cited as *Roundtable Discussion on the Motion to Recommit*).

<sup>25</sup> On September 25, 1984, the text of H.R.5963: Comprehensive Crime Control Act of 1984 was successfully added as an amendment in a motion to recommit forthwith to H.J.Res.648, a joint resolution making continuing appropriations for FY1985, and for other purposes. *Congressional Record* (daily edition), vol. 140, September 25, 1984, pp. H10078-H10130.

<sup>26</sup> In reference to H.R. 4848. *Congressional Record* (daily edition), vol. 134, July 13, 1988, p. H18054.

<sup>27</sup> As argued by Donald Wolfensberger in “The Motion to Recommit in the House: The Rape of a Minority Right.” *Roundtable Discussion on the Motion to Recommit*, pp. 93-159.

Committee from reporting a special rule that would prevent the offering of a motion to recommit with instructions, thereby preventing the Rules Committee from restricting the scope or content of the motion to recommit.

During the 110<sup>th</sup> Congress, there was a significant increase in motions to recommit offered, specifically motions to recommit with instructions that did not include the term forthwith, referred to as motions to recommit with “non-forthwith” instructions. If adopted, a motion to recommit with “non-forthwith” instructions would have returned the bill to the specified committee whose eventual report, if any, would not have been immediately or automatically before the House.

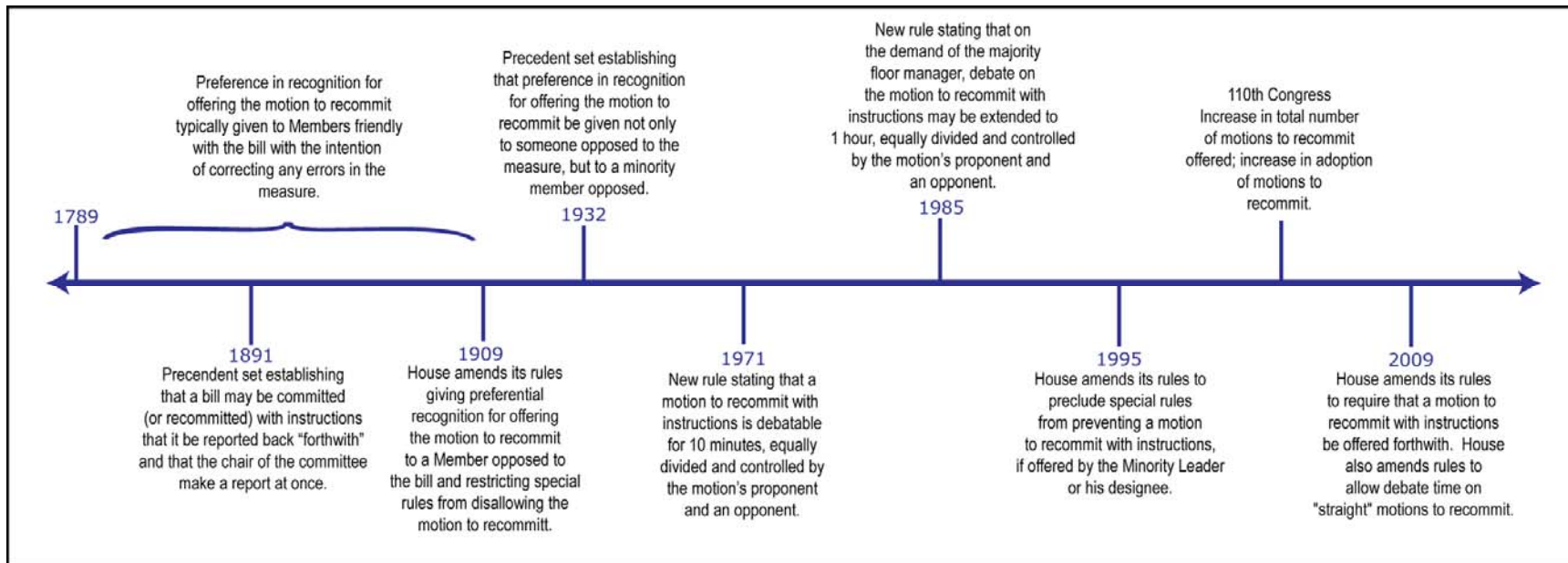
Motions to recommit with “non-forthwith” instructions sometimes had the effect of creating a difficult political choice for Members who supported both the underlying measure and the amendment contained in the motion to recommit. Some Members argued that motions to recommit with “non-forthwith” instructions were designed to trap majority party members reluctant to vote against the motion’s amendment, forcing them into a “lose-lose” situation.<sup>28</sup> Also, it was argued that the use of motions to recommit with “non-forthwith” instructions including specific policy amendments were not necessary since the motion could usually be offered “forthwith,” which if successful would have immediately incorporated the motion’s amendments.

These arguments led the House to amend its rules. The rules adopted by the House at the beginning of the 111<sup>th</sup> Congress added a requirement that any instructions must be in the form of a direction to report an amendment or amendments back to the house “forthwith.” The rules package of the 111<sup>th</sup> Congress further altered the rules surrounding the motion to recommit by making a “straight” motions to recommit debatable. Prior to this, only motions to recommit with instructions had been debatable. These changes are still in effect today.

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<sup>28</sup> “The Republicans continue to use the motion to recommit for political purposes, not substantive purposes. Substantive purposes would be trying to change policy. For the most part, what they do with their motions to recommit are not change policy, but try to construct difficult political votes for Members. We understand that. To some degree, we did that as well.” Remarks made by Majority Leader, Rep. Steny H. Hoyer in Jennifer Yachnin, “Democrats Again Look to Change GOP Motions; After Defeats, Leaders Studying Ways to Neuter Republicans’ Motions to Recommit,” *Roll Call*, October 31, 2007, p. 3.

**Figure 1. Evolution of the Motion to Recommit**



**Source:** Congressional Research Service.

## Potential Procedural Effects of the Motion to Recommit

A motion to recommit may have several procedural effects. First, it allows the minority to offer and obtain a vote on policy language of their design, an opportunity which might otherwise be unavailable if the measure is being considered under the terms of a special rule that restricts or prevents the offering of amendments.

Further, a motion to recommit grants the minority the *last* opportunity to amend legislation before final passage. The motion to recommit even allows the offering of an amendment previously rejected by the House during consideration in Committee of the Whole.<sup>29</sup>

House approval of a “straight” motion to recommit could have the effect of sending the bill back to the committee from which it was reported for further work on the measure. If the underlying legislation was not first reported by the committee of jurisdiction before coming to the floor, either because it was never referred to committee or because the committee was discharged from further consideration of the bill, the minority might try to use the motion as a way to put the legislation before the committee for their consideration.<sup>30</sup>

A motion to recommit can also send a measure to a committee to which the bill had not been originally referred.<sup>31</sup> This kind of action could be tied to the creation of an ad hoc committee, such as in the following example:

Mr. Ryan of Wisconsin moves to commit the resolution (H.Res. 6) to a select committee composed of the Majority Leader and the Minority Leader with instructions to report back the same to the House forthwith with only the following amendment:....<sup>32</sup>

An ad hoc committee like this has no permanence and is not required to meet. Such motions to commit are frequently used in conjunction with the House rules package on the opening day of Congress, before standing committees have been established.

Additionally, the motion to recommit might seek to send the bill to a committee to which it wasn't referred due to jurisdictional issues. For example, in 1975, a “straight” motion to recommit attempted to send a bill which had been reported by the Committee on Ways and Means, not only to that committee, but also to the Committee on Interstate and Foreign Commerce as well. This motion to recommit appeared to suggest that the goal of the underlying legislation might be achieved in additional ways under the jurisdiction of this second panel.<sup>33</sup>

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<sup>29</sup> *Deschler's Precedents of the United States House of Representatives*, H. Doc. 94-661, 94<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 1977), vol. 9, §35.27, p. 827.

<sup>30</sup> This would technically be a motion to commit if the measure has not previously been referred to a committee, but it would be treated the same as a motion to recommit under House rules and precedents.

<sup>31</sup> *House Practice*, Ch. 45, §3, p. 805.

<sup>32</sup> *Congressional Record* (daily edition), vol. 153, January 5, 2007, p. H83.

<sup>33</sup> Motion to recommit offered in reference to H.R.6860. *Congressional Record*, vol. 121, June 19, 1975, pp. 19786-19788.

“Straight” motions to recommit could also create a situation that would effectively dispose of the underlying measure, since once the measure is recommitted, a committee is not obligated to take further action. It could be argued that it would be unlikely for a committee to report back a measure which the House has voted to remove from the floor. Debate in the House on a “straight” motion to recommit may, however, provide a committee with a non-binding understanding of what should be done to improve the measure.

A committee’s decision whether to act on a recommitted measure might also be influenced by House and committee rules. For instance, a Speaker pro tempore observed in response to a parliamentary inquiry, “The Chair cannot say what in the rules of a committee might constrain the timing of any action it might take. Neither can the Chair render an advisory opinion whether points of order available under the rules of the House might preclude further proceedings on the floor.”<sup>34</sup>

## Potential Political Effects of the Motion to Recommit

As previously stated, the motion to recommit underwent fundamental changes in 1909 with the stated purpose of giving “the minority the right ... to have a vote upon its position upon great public questions.”<sup>35</sup> This seems to imply that the motion was intended to have not only procedural effects, but also political ones, allowing Members to go on record as supporting or opposing a specific policy, an opportunity that may be important for demonstrating their policy preference to constituents, that might not otherwise occur in the absence of the motion.

Besides providing a policy vote, the motion to recommit can have additional political effects. A motion to recommit may combine several proposed amendments, providing the opportunity to package together a set of views as a way to create a comprehensive public record to emphasize the minority party’s differences from the platform of the majority.

As described above, using a “straight” motion to recommit without instructions can have the effect of delaying or even “killing” a measure since a committee to which the measure is recommitted would never be required to act.

Motions to recommit may also have the effect of providing an outlet for the minority to express its discontent with restrictions related to the openness or fairness of the legislative process. For example, a minority dissatisfied with the number of amendments its members have been allowed to offer in the Committee of the Whole, may make use of their right to offer a motion to recommit with instructions as a means for expressing their opposition to the policies of the majority party.

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<sup>34</sup> Motion to recommit offered in reference to H.R. 3773. *Congressional Record* (daily edition), vol. 153, November 15, 2007, p. H14061.

<sup>35</sup> Remarks of Rep. John Fitzgerald, *Congressional Record* (daily edition), vol. 55, March 15, 1909, p. 23.

## Recent Trends Related to the Motion to Recommit

In the 110<sup>th</sup> Congress (2007-2008) there were three significant trends pertaining to motions to recommit, some of which continued into the 111<sup>th</sup> Congress. First, there was an increase in the offering of motions to recommit, which tapered off in the 111<sup>th</sup> Congress. Second, there was a disproportionate increase in the offering of motions to recommit with “non-forthwith” instructions which arguably led to their prohibition in the 111<sup>th</sup> Congress. Third, there was an increase in the success of motions to recommit “forthwith” in the 110<sup>th</sup> Congress which continued during the 111<sup>th</sup>.

## Recent Trends in Total Number of Motions to Recommit

As shown in **Table 1**, over the past 22 years, the total number of motions to recommit offered each Congress has remained relatively steady overall with two exceptions. From the 101<sup>st</sup> Congress (1989-1990) to the 102<sup>nd</sup> Congress (1991-1992), the total number of motions to recommit almost doubled, going from a total of 28 to 52. A similar phenomena occurred in the 110<sup>th</sup> Congress with the total number of motions to recommit offered being 120, more than twice as many as the 54 offered in the 109<sup>th</sup>, and substantially more than the 70 offered during the 111<sup>th</sup> Congress.

**Table 1. Instances in Which the Motion to Recommit Was Used**

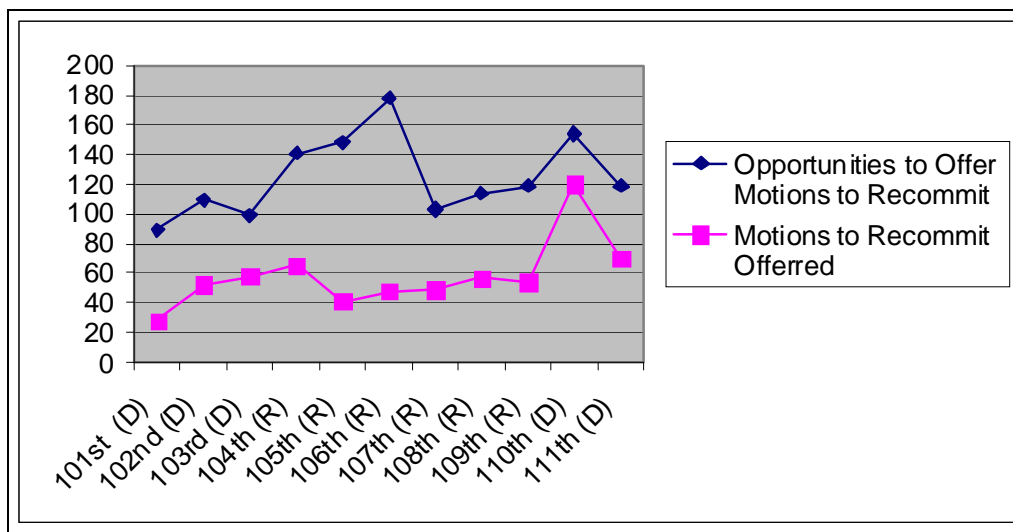
Congress (Majority Party Control)	Total Number of Instances in Which Offering a Motion to Recommit Was in Order	Total Number of Motions to Recommit Offered	Percentage of Occasions on Which the Motion to Recommit Has Been Used
101 <sup>st</sup> 1989-1990 (D)	89	28	31%
102 <sup>nd</sup> 1991-1992 (D)	109	52	48%
103 <sup>rd</sup> 1993-1994 (D)	99	58	59%
104 <sup>th</sup> 1995-1996 (R)	141	65	46%
105 <sup>th</sup> 1997-1998 (R)	148	41	28%
106 <sup>th</sup> 1999-2000 (R)	178	48	27%
107 <sup>th</sup> 2001-2002 (R)	103	49	48%
108 <sup>th</sup> 2003-2004 (R)	114	57	50%
109 <sup>th</sup> 2005-2006 (R)	119	54	45%
110 <sup>th</sup> 2007-2008 (D)	154	120	78%
111 <sup>th</sup> 2009-2010 (D)	119	70	59%
<b>Totals</b>	1373	642	47%

**Source:** The *Congressional Record* was searched for the terms “motion to recommit” and “motion to commit” and cross-checked by searching the bill status data in the Legislative Information System (LIS). In order to obtain the complete list of instances in which offering the motion to recommit would be in order, the Legislative Information System (LIS) was searched for special rules reported from the House Committee on Rules that provided for a “motion to recommit” or “motion to commit.” In some cases, a single special rule provided for more than one motion to recommit or commit. It has been the practice of the House Committee on Rules to always include language stating that the motion to recommit is in order in special rules providing for the initial consideration of bills and joint resolutions, even though since 1995 such a motion to recommit would be in order without such language being included in the special rule. While infrequently a bill or joint resolution has

been considered under the terms of a unanimous consent agreement which provided for a motion to recommit, the overwhelming majority of bills and joint resolutions that allowed a motion to recommit are considered under the terms of a special rule. This table does not include motions to recommit that fell to a point or order or motions to recommit conference reports to a conference committee. All data current as of January 1, 2011.

As illustrated by the data in **Table 1** and in **Figure 2**, the increases seen in the 110<sup>th</sup> Congress are not due solely to an increase in the number of opportunities available for the minority to offer the motion to recommit. In the 109<sup>th</sup> Congress, the minority offered motions to recommit on 45% of the occasions in which they had the right to do so, while in the 110<sup>th</sup> Congress, the minority offered them on 78% of the occasions in which they had the option. The level in the 111<sup>th</sup> Congress returned to levels seen at the beginning of the period examined, with the minority offering motions to recommit on 59% of the occasions in which they had the option.

**Figure 2. Comparison of Opportunities to Offer the Motion to Recommit with Instances in Which the Motion Was Offered**



Source: Congressional Research Service.

## Recent Trends in Types of Motions to Recommit

Of the 120 motions to recommit offered in the 110<sup>th</sup> Congress, one was a “straight” motion, 72 were motions with “forthwith” instructions, and 47 were motions with “non-forthwith” instructions. In the 111<sup>th</sup> Congress, again, only one “straight” motion was offered, along with 69 motions with “forthwith” instructions. The number of “straight” motions to recommit in the 110<sup>th</sup> and 111<sup>th</sup> Congress was comparable with the totals of straight motions to recommit throughout the time period examined, with the range over the past six Congresses being between zero and three (see **Table 2**).

Motions to recommit with “forthwith” instructions fluctuated between 20 and 48 during the period from the 101<sup>st</sup> Congress through the 109<sup>th</sup>. The 110<sup>th</sup> Congress, however, saw a significant rise with 72 motions to recommit with “forthwith” instructions. The 111<sup>th</sup> Congress maintained this trend, with 69 motions to recommit with “forthwith” instructions.

One of the most significant trends seen during the 22 years examined was the sharp increase in motions to recommit with “non-forthwith” instructions during the 110<sup>th</sup> Congress. Between 1989

and 2006, the number of motions with “non-forthwith” instructions ranged from 1 to 16 per Congress, with an average of 8.2. The number of total of motions to recommit with “non-forthwith” instructions in the 110<sup>th</sup> Congress was 47, more than 500% higher than the average. Arguably, this increased use of the motion to recommit with “non-forthwith” instructions led to the rules change at the beginning of the 111<sup>th</sup> prohibiting its further use.

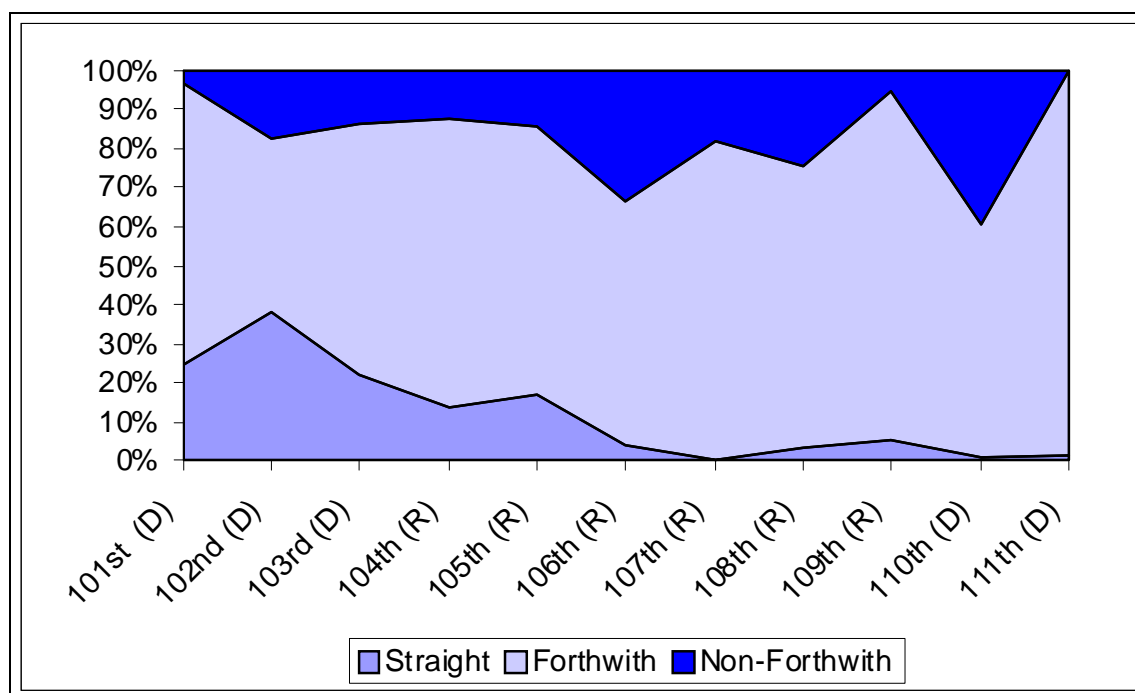
**Table 2. Motions to Recommit and Adoption Rates by Type, 101<sup>st</sup>-111<sup>th</sup> Congress**

Congress (Majority Party Control)	Straight Motions to Recommit without Instructions	Motions to Recommit with Instructions				Total Motions to Recommit	Motions to Recommit Adopted					
		Forthwith	Non-Forthwith				Straight Total	Straight Adoption Rate (%)	Forthwith Total	Forthwith Adoption Rate (%)	Non- Forthwith Total	Non- Forthwith Adoption Rate (%)
			Total	Promptly	Other							
101 <sup>st</sup> 1989-1990	7	20	1	1	0	28	0	0%	4	20%	0	0%
102 <sup>nd</sup> 1991-1992	20	23	9	4	5	52	1	5%	6	26%	0	0%
103 <sup>rd</sup> 1993-1994	13	37	8	6	2	58	0	0%	6	16%	0	0%
104 <sup>th</sup> 1995-1996	9	48	8	3	5	65	0	0%	3	6%	0	0%
105 <sup>th</sup> 1997-1998	7	28	6	1	5	41	0	0%	2	7%	0	0%
106 <sup>th</sup> 1999-2000	2	30	16	9	7	48	0	0%	3	10%	0	0%
107 <sup>th</sup> 2001-2002	0	40	9	7	2	49	0	0%	3	8%	0	0%
108 <sup>th</sup> 2003-2004	2	41	14	13	1	57	0	0%	2	5%	0	0%
109 <sup>th</sup> 2005-2006	3	48	3	3	0	54	0	0%	0	0%	0	0%
110 <sup>th</sup> 2007-2008	1	72	47	46	1	120	0	0%	24	33%	0	0%
111 <sup>th</sup> 2009-2010	1	69	N/A	N/A	N/A	70	0	0%	19	28%	N/A	N/A
Totals	65	456	121	93	28	642	1	2%	72	16%	0	0%

**Source:** The *Congressional Record* was searched online for the terms “motion to recommit” and “motion to commit” and cross-checked by searching the bill status data in the *Legislative Information System (LIS)*. This table does not include motions to recommit that fell to a point or order, or motions to recommit conference reports to a conference committee. It should be noted that prior to the 104<sup>th</sup> Congress, special rules sometimes restricted the type of motion to recommit that could be offered by the minority. Data current as of January 1, 2009.

Another noteworthy trend is the varying proportion by type of the total number of motions to recommit in each Congress. (See **Figure 3**.) Early in the time period analyzed, the total number of motions to recommit per Congress comprised a larger share of “straight” motions to recommit than motions to recommit with “non-forthwith” instructions. This may be due, in part, to considerations of legislative strategy, as well as the fact that until the 104<sup>th</sup> Congress, special rules could effect what types of motions to recommit could be offered. The prohibition of motions to recommit with “non-forthwith” instructions in the 111<sup>th</sup> Congress resulted in a further change in the composition of motions to recommit.

**Figure 3. Composition of the Types of Motions to Recommit Offered  
101<sup>st</sup> -111<sup>th</sup> Congress**

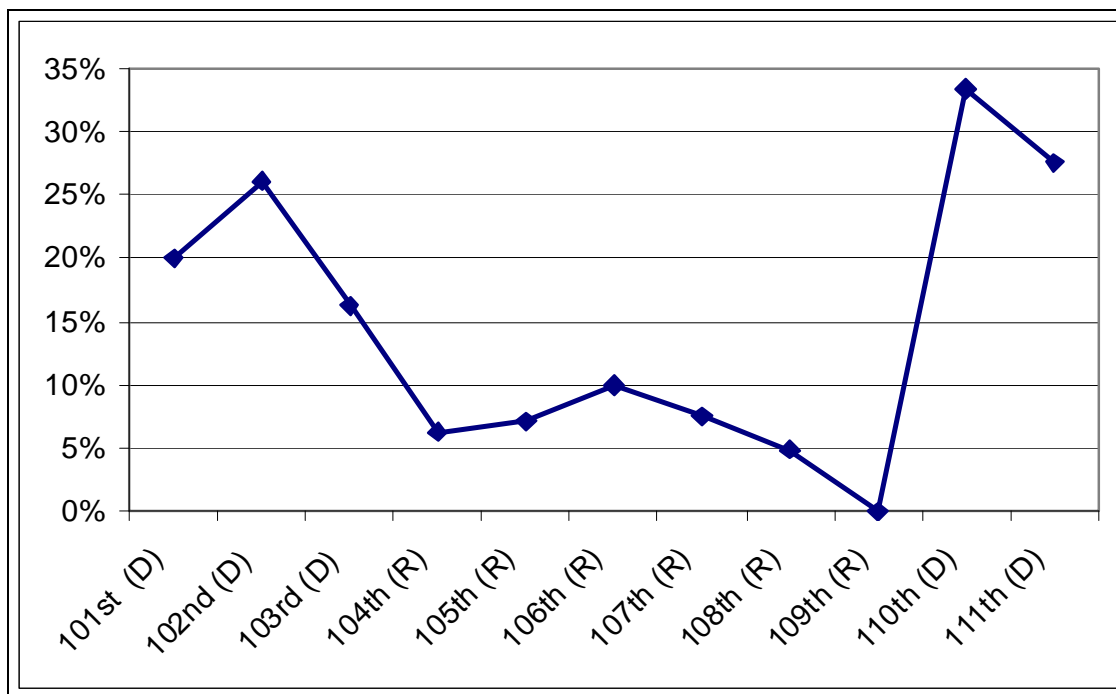


Source: Congressional Research Service.

## Recent Trends Related to the Adoption of Motions to Recommit

During the period of the past eleven congresses, one “straight” motion to recommit without instructions was adopted (in the 102<sup>nd</sup> Congress). No motions to recommit with “non-forthwith” instructions were adopted in the time period studied. Motions to recommit with “forthwith” instructions, however, were occasionally successful. The average number of motions to recommit with “forthwith” instructions adopted over the past 11 congresses was 6.5 (16%). There was, however, a significant increase in the adoption of motions to recommit with “forthwith” instructions offered in the 110<sup>th</sup> Congress. Of the 72 motions to recommit with “forthwith” instructions offered, 24, or 33% were adopted. Similarly, in the 111<sup>th</sup> Congress, of the 69 motions to recommit with “forthwith” instructions 19 or 28% were adopted. This differs substantially from the motions to recommit with “forthwith” instructions adoption rate of the 109<sup>th</sup> Congress, which was 0%, and the average success rate during the 101<sup>st</sup> to the 111<sup>th</sup> of 16%. (See **Figure 4**.)

**Figure 4. Adoption Rates of Motions to Recommit with “Forthwith” Instructions  
101<sup>st</sup> -111<sup>th</sup> Congress**



**Source:** Congressional Research Service.

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## Acknowledgments

CRS Intern, Benjamin Tycz, assisted in gathering statistical data for this report.

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