

**a motion to recommit with instructions to report it back with an amendment which he had offered, and which had been rejected, in the Committee of the Whole.**

On Apr. 22, 1968,<sup>(1)</sup> the House was considering H.R. 16409, the District of Columbia Teachers' Salary Act. After the bill was read for the third time, John L. McMILLAN, of South Carolina, the Chairman of the Committee on the District of Columbia rose to his feet:

MR. McMILLAN: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:<sup>(2)</sup> Is the gentleman opposed to the bill?

MR. McMILLAN: In its present form I am opposed to the bill.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McMillan moves to recommit the bill H.R. 16409 to the Committee on the District of Columbia with instructions to report the bill back forthwith with the following amendment: On page 2, strike out the salary schedule beginning after line 2 and ending before line 1 on page 4 and insert in lieu thereof the following: . . .

MR. McMILLAN (during the reading): Mr. Speaker, I ask unanimous consent to dispense with further reading of the motion to recommit and that it be printed in the Record.

1. 114 CONG. REC. 10126, 10130, 90th Cong. 2d Sess.
2. John W. McCormack (Mass.).

THE SPEAKER: Is there objection to the request of the gentleman from South Carolina?

MR. [JOEL T.] BROYHILL of Virginia: Reserving the right to object, is the amendment the gentleman has offered as a motion to recommit the same amendment which the gentleman offered during the debate on the bill which would reduce the salary structure by \$200?

MR. McMILLAN: Two hundred dollars across the board.

THE SPEAKER: Is there objection to the request of the gentleman from South Carolina?

There was no objection.

THE SPEAKER: Without objection, the previous question is ordered on the motion to recommit.

## § 28 Offering the Motion; Procedure

### *Oral or Written Motions*

#### § 28.1 Motions to recommit must be sent to the Speaker's desk and are required to be in writing.

On June 16, 1949,<sup>(3)</sup> the House was considering H.R. 4963, providing for the appointment of additional circuit and district judges. After the Speaker, Sam Rayburn, of Texas, announced that the question was on the passage of the bill, Mr. Carl T. Curtis, of Ne-

3. 95 CONG. REC. 7855, 7856, 81st Cong. 1st Sess.

braska, offered a motion to recommit:

MR. CURTIS: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. CURTIS: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies. The Clerk will report the motion. The Clerk read as follows:

Mr. Curtis moves to recommit the report back with the Keating amendment. . . .

MR. [EMANUAL] CELLER [of New York]: Mr. Speaker, I make a point of order against the motion to recommit that in that form, it is not in order.

THE SPEAKER: The point of order is sustained.

MR. CURTIS: Mr. Speaker, I move that the bill be recommitted and reported back with this amendment:

That not more than two-thirds of the total number of circuit judges or district judges authorized hereunder first appointed pursuant hereto shall be members of the same political party.

THE SPEAKER: Will the gentleman send the motion to the desk? The motion has to be in writing.<sup>(4)</sup>

### *Form of Instructions*

#### **§ 28.2 A motion to recommit a bill with instructions to report it back with the "Keating amendment" (an amendment rejected in the**

4. See also 97 CONG. REC. 12863, 82d Cong. 1st Sess., Oct. 9, 1951.

#### **Committee of the Whole) was held not to be in proper form inasmuch as the House has no knowledge of amendments rejected in the Committee of the Whole and not reported therefrom.**

On June 16, 1949,<sup>(5)</sup> the House was considering H.R. 4963, providing for appointment of additional federal judges. The following occurred:

THE SPEAKER:<sup>(6)</sup> The question is on the passage of the bill.

MR. [CARL T.] CURTIS [of Nebraska]: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

MR. CURTIS: I am, Mr. Speaker.

THE SPEAKER: The gentleman qualifies. The Clerk will report the motion. The Clerk read as follows:

Mr. Curtis moves to recommit the report back with the Keating amendment.

THE SPEAKER: The House certainly has no knowledge of what the Keating amendment is. That was acted on in the Committee of the Whole. We are in a different jurisdiction now.

### *Correcting Language*

#### **§ 28.3 The use of incorrect language in a motion to recommit is not within the control**

5. 95 CONG. REC. 7855, 7856, 81st Cong. 1st Sess.

6. Sam Rayburn (Tex.).

**of the Chair after the previous question has been ordered.**

On May 19, 1939,<sup>(7)</sup> the House was considering H.R. 6392, providing appropriations for the Departments of Justice, State, Commerce, and the Judiciary. Mr. Charles Hawks, Jr., of Wisconsin, was then recognized:

MR. HAWKS: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER:<sup>(8)</sup> Is the gentleman opposed to the bill?

MR. HAWKS: Yes.

THE SPEAKER: The gentlemen qualifies. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hawks moves to recommit the bill to the committee with instructions to report it back forthwith with the following amendment: At the end of the bill insert a new paragraph, as follows:

"No part of the funds appropriated in this bill shall be used for the purpose of purchasing any foreign dairy or other competitive foreign agricultural products which are not produced in the United States in sufficient quantities to meet domestic needs." . . .

MR. THOMAS S. McMILLAN [of South Carolina]: Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

Mr. James W. Mott, of Oregon, was then recognized.

7. 84 CONG. REC. 5856, 76th Cong. 1st Sess.

8. William B. Bankhead (Ala.).

MR. MOTT: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. MOTT: May I inquire whether the apparent inaccuracy or error to which attention was called by the gentleman from South Dakota has been corrected? There was a double negative in there as I heard the amendment read.

THE SPEAKER: That is not a matter within the control of the Chair, the previous question having been ordered.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. CASE of South Dakota: Mr. Speaker, some of us are under the impression that the wording of the amendment as it is on the Clerk's desk is not in the form in which it was read. May I ask as a parliamentary inquiry whether the amendment upon which we will vote is as it was read to the House or if the words "may not be" are changed to "can"?

THE SPEAKER: There is no amendment pending before the House.

MR. CASE of South Dakota: I refer to the motion to recommit.

THE SPEAKER: The motion to recommit has been reduced to writing and has been read from the Clerk's desk. It speaks for itself.

**§ Sec. 28.4 A motion that the Committee of the Whole rise and report a bill back to the House with the enacting clause be stricken out and**

**the bill “returned” to a committee with instructions to remove a provision permitting the government to manufacture rum was held not to be in proper form.**

On May 5, 1949,<sup>(9)</sup> the Committee of the Whole was considering H.R. 2989, dealing with the Virgin Islands Corporation. The following occurred:

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Chairman I offer a preferential motion.

The Clerk read as follows:

Mr. Rich moves that the Committee now rise and report the bill back to the House with the recommendation that the enacting clause be stricken and the bill be returned to the Committee on Public Lands with instructions to remove the provision permitting the Government to manufacture rum.

THE CHAIRMAN:<sup>(10)</sup> The Chair will state that the motion as presented by the gentleman from Pennsylvania is not in proper form for a preferential motion.

*Parliamentarian's Note:* It is inconsistent to move that the Committee of the Whole recommend to the House both that the enacting clause of a measure be stricken and that the measure be “returned” (recommitted) to a committee. Concurrence by the House

9. 95 CONG. REC. 5705, 81st Cong. 1st Sess.

10. Wilbur D. Mills (Ark.).

in the former constitutes a rejection of the measure and precludes recommittal. In the event that the House disagrees to the recommendation to strike the enacting clause, recommittal to the Committee of the Whole is automatic. Pending a vote in the House on agreeing to the recommendation to strike the enacting clause, a motion to recommit is in order. Rule XXIII clause 7, *House Rules and Manual* §875 (1983).

### ***Rereading Motion***

**§ 28.5 A motion to recommit read by the Clerk may again be read by unanimous consent.**

On May 19, 1939,<sup>(11)</sup> the House was considering H.R. 6392, appropriations for the Departments of Commerce, State, Justice, and for the Judiciary. After the Clerk read a motion to recommit offered by Mr. Charles Hawks, Jr., of Wisconsin, and after the Chair overruled a point of order against the motion, Mr. Francis H. Case, of South Dakota, was recognized.

MR. CASE of South Dakota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:<sup>(12)</sup> The gentleman will state it.

11. 84 CONG. REC. 5856, 76th Cong. 1st Sess.

12. William B. Bankhead (Ala.).

MR. CASE of South Dakota: May the motion again be read? I think there was an error in it.

THE SPEAKER: It may be read by unanimous consent.

Is there objection to the reading of the motion?

MR. [JOHN] LESINSKI [of Michigan]: Mr. Speaker, I object.

### ***Form for Recommittal of Resolution***

**§ 28.6 The House considered a motion to recommit a resolution with instructions to a standing committee to hold open hearings thereon.**

On Apr. 5, 1967,<sup>(13)</sup> the House was considering House Resolution 221, providing funds for the Committee on Un-American Activities. Mr. Don Edwards, of California, offered the following motion to recommit:

Mr. Edwards of California moves to recommit the resolution (H. Res. 221) to the Committee on House Administration with instructions that open hearings be held on justification for such additional funds of the House Committee on Un-American Activities as provided in House Resolution 221.<sup>(14)</sup>

13. 113 CONG. REC. 8441, 8442, 90th Cong. 1st Sess.

14. See also 111 CONG. REC. 3664, 3665, 89th Cong. 1st Sess., Feb. 25, 1965.

### ***Form for Recommittal of Conference Report With Instructions***

**§ 28.7 The House considered a motion recommitting a conference report with instructions to House conferees.**

On Sept. 15, 1965,<sup>(15)</sup> the House was considering the conference report on H.R. 8283, the Economic Opportunity Act Amendments of 1965. Mr. William H. Ayres, of Ohio, offered the following motion to recommit:

Mr. Ayres moves to recommit the conference report on the bill (H.R. 8283) to the committee of conference with instructions to the managers on the part of the House insist on the language of section 10 of the House bill, which retains the veto power of State Governors in the form approved by the House.<sup>(16)</sup>

### ***Form of Motion to Recommit Bill With Instructions***

**§ 28.8 The House considered a motion to recommit a bill with instructions that the committee not report back to the House until certain information is available to it.**

15. 111 CONG. REC. 23928, 23931, 23936, 89th Cong. 1st Sess.

16. See also 109 CONG. REC. 8037, 8043, 88th Cong. 1st Sess., May 8, 1963; and 97 CONG. REC. 8064, 8071, 8072, 82d Cong. 1st Sess., July 12, 1951.

On Mar. 5, 1970,<sup>(17)</sup> the House was considering S. 2910, additional authorization for the Library of Congress James Madison Memorial Building. Mr. Marion G. Snyder, of Kentucky, offered a motion to recommit:

Mr. Snyder moves to recommit the bill S. 2910 to the Committee on Public Works with the instruction that it not be reported back to the House until all necessary designs, plans, and specifications have been completed.

***Reporting Amendment to House Pursuant to Instructions***

**§ 28.9 An amendment is immediately reported to the House pursuant to a motion to recommit with instructions to report back “forthwith” with an amendment.**

On Apr. 1, 1948,<sup>(18)</sup> the House was considering H.R. 6055, the deficiency appropriation bill of 1948. After the engrossed copy of the bill was read and the Speaker, Joseph W. Martin, Jr., of Massachusetts, announced that the question was on the passage of the bill, Mr. Clarence Cannon, of Missouri, offered the following motion to recommit:

Mr. Cannon moves to recommit the bill to the Committee on Appropri-

tions with instructions to report the bill back forthwith with an amendment as follows:

On page 10, line 7, strike out “\$300,000,000” and insert in lieu thereof “\$400,000,000.”

After the Clerk announced the vote adopting the motion offered by Mr. Cannon, the Chair recognized Mr. John Taber, of New York.

MR. TABER: Mr. Speaker, in accordance with the instructions of the House, I report the bill back with an amendment which is at the desk.

THE SPEAKER: The Clerk will read the amendment.

The Clerk read as follows:

Page 10, line 7, strike out “\$300,000,000” and insert in lieu thereof “\$400,000,000.”

THE SPEAKER: The question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time and was read the third time.

THE SPEAKER: The question is on the passage of the bill.<sup>(19)</sup>

**§ 29. Time for Motion**

***After Engrossment and Third Reading.***

**§ 29.1 The motion to recommit is not in order until the bill**

17. 116 CONG. REC. 6191, 91st Cong. 2d Sess.

18. 94 CONG. REC. 3994, 80th Cong. 2d Sess.

19. See also 108 CONG. REC. 16781, 87th Cong. 2d Sess., Aug. 16, 1962; and 94 CONG. REC. 448-450, 80th Cong. 2d Sess., Jan. 22, 1948.