

FACT SHEET ON MOTION TO RECOMMIT “PROMPTLY”

Democrats are bringing commonsense reforms to the House Rules that will enable Congress to work even more effectively for America. Republicans have consistently abused the motion to recommit “promptly,” undermining the ability of Congress to get the American people’s business done. Amending the motion to recommit “promptly” makes sense to help Congress function more effectively while preserving Minority rights and their ability to offer a motion that amends the bill or a “straight” motion that sends the bill back to committee without amendment. By continuing to restore integrity to the House Rules, Democrats are keeping our commitment to restore openness and transparency to Government.

Commonsense Changes to the Motion to Recommit Make Congress More Effective While Preserving Minority Rights

This provision amends the House Rules to provide that a motion to recommit a bill or joint resolution may include instructions only in the form of a direction to report an amendment back to the House “forthwith,” instead of “promptly.” Republicans will still have the ability to propose improvements to the bill by way of amendment. By making commonsense changes to the motion to recommit, Democrats preserve the Minority’s legitimate right to present their policy alternatives while preventing the abusive practice of subverting the work of Congress by working to kill key measures that have broad, bipartisan support from the American people by raising unrelated amendments for the sole purpose of scoring political points. Indeed, as highly-respected Congressional scholar Norman Ornstein has pointed out, “Using ‘promptly’ ...is a subterfuge, a way to kill bills, and reflects a desire not to legislate but embarrass vulnerable majority Members through a ‘gotcha’ process.”¹

Democrats Are Committed to Upholding Minority Rights While Making Congress Work for America

The Majority is committed to preserving the Minority’s motion and its right to propose alternative policy priorities. Republicans will retain their ability to amend legislation through “forthwith” motions. In a number of instances, the final product of the House has benefited from the constructive amendments offered by the Minority in their legitimate “forthwith” motions to recommit, 25 of which have been adopted.

However, the practice of permitting the creation of a Catch-22 by the offering of a “promptly” motion that obstructs important business of the House under the pretext of offering an amendment is nonsensical and should be ended. In prior Congresses, nearly all instructions included in a motion to recommit were forthwith. These motions require an immediate vote on the amendment included in the instruction. Democrats have repeatedly offered to accept amendments proposed in “promptly” motions to recommit if the motion were amended to be forthwith, yet Republicans repeatedly refused the offer, conclusively demonstrating that their objective in offering such motions is not to improve the underlying bill but instead to kill it.

Republicans Admit Their Use of “Promptly” MTRs Is Motivated by a Desire to Kill Bills

Rep. Tom Davis (R-VA) clearly stated the Minority’s intent to use “promptly” motions to kill legislation during debate on the motion to recommit H.R. 1433, the District of Columbia House Voting Rights Act of 2007: “Let me just say to my colleagues, I think the gun ban in the District is ridiculous, and I would join with my colleagues in overturning it. The problem is this motion doesn't do that. Instead of bringing this motion back to the floor forthwith for a vote up or down to continue this resolution and send it to the Senate with the gun ban, it sends it back to the committee... So essentially this vote doesn't go anywhere. You can get your vote on gun rights, but it kills the bill, and that is the intention of this.”²

Rep. Joe Barton of Texas (R-TX) likened motions to recommit promptly to “gimmicks” during debate on H.R. 3693, the Children’s Health Insurance Program Reauthorization Act of 2007: “I will tell my friends on the Majority side, it’s not going to be a gimmick. I think it will say “forthwith,” which means if we adopt it, we vote on it.”³

During debate on Rep. Paul Ryan’s (R-WI) motion to recommit on H.R. 5501, the Lantos-Hyde HIV/AIDS Act of 2008, Mr. Ryan acknowledged that “promptly” motions are intended to kill bills: “This recommit is not intended to kill this bill. This is a forthwith recommit.”⁴

¹ Roll Call, August 13, 2007

² 153 CONG. REC. H2862 (daily ed. Mar. 22, 2007) (statement of Rep. Tom Davis of Virginia).

³ 153 CONG. REC. H12035 (daily ed. Oct. 25, 2007) (statement of Rep. Barton of Texas).

⁴ 154 CONG. REC. H1940 (daily ed. Apr. 2, 2008) (statement of Rep. Ryan of Wisconsin).

Republicans Have a Clear Track Record of Abusing the Motion to Recommit “Promptly”

In the 110th Congress alone, the Republican Minority offered 50 “promptly” motions to recommit to send a bill back to committee, almost all of which were clearly designed to kill legislation. Yet during the 12 years of Republican control of the House, Democrats offered “promptly” motions only 36 times over the course of more than a decade, using the motions to propose legitimate amendments that would otherwise violate House Rules.

Examples of Republican Use of “Promptly” Motions To Attempt To Kill Legislation with Broad Bipartisan Support

In a cynical attempt to score political points on gas prices, the Republicans tried to use a “promptly” motion to kill H.R. 5658, the 2009 Defense Authorization bill, which included a pay raise and increased health benefits for our troops, as well as numerous provisions to strengthen our national security⁵.

During consideration of H.R. 5781, the Federal Employees Paid Parental Leave bill, Rep. Jim Jordan (R-OH) offered a “promptly” motion to recommit conditioning eligibility on payment of child support. Rep. Jordan’s amendment was meant to kill the underlying bill⁶.

The bipartisan Public Housing bill, H.R. 3521, to make improvements in how HUD manages public housing programs was killed when the GOP Minority offered a “promptly” motion to recommit, which would have sent the bill back to committee with an unrelated gun ownership amendment.

Rep. Jerry Lewis (R-CA) offered a “promptly” motion to recommit to H.R. 3043, the Labor/HHS FY08 Appropriations bill. His motion regarded use of education funds for criminal background checks. However, funds were already eligible for this purpose so the recommit was bogus and clearly designed to kill the legislation⁷.

Democrats Have Offered Over 10 Requests to Incorporate Republican Motions into Legislation, But Republicans Refused, Indicating Clear Intent to Kill – Rather Than Improve – Legislation

Rep. Randy Kuhl (R-NY) made a motion to recommit “promptly” on the bipartisan Americorps Reauthorization Act, H.R. 2857, to add background checks that include a name-based search of the Department of Justice National Sex Offender Public Registry. Rep. George Miller (D-CA) asked but was denied Unanimous Consent to make the language forthwith so that Rep. Kuhl’s language could be included in the bill immediately⁸.

When the 110th Congress considered H.R. 3521 regarding Public Housing Asset Management, Rep. Bachmann (R-MN) offered a “promptly” motion to recommit on guns that clearly designed to kill the bill. Majority Leader Steny Hoyer (D-MD) offered but the Republicans denied his Unanimous Consent motion to make it “forthwith” so that Rep. Bachmann’s language could be included in the bill immediately, but Republicans refused, effectively killing the bill⁹.

Independent Congressional Experts Agree Republican Use of “Promptly” Motions Are Meant to Kill Legislation

In discussing Rep. Smith’s “promptly” motion to recommit on legislation involving the Washington, DC Voting Rights Bill, Congressional Scholar Norman Ornstein said, “The Smith motion to recommit with instructions to the DC voting bill did not use the term “forthwith.” It substituted the term “promptly.” That meant that the bill would disappear into some legislative limbo and not be immediately dealt with by the House. The language change was clever, in a subversive way, and reflected the reality that Smith and leadership wanted to kill the bill without doing so directly.”¹⁰

Ornstein also said that: “A Minority party deserves the right to be heard and to have alternatives considered, but with those rights come responsibilities. If the Minority uses the opportunity to offer amendments to exploit cynically the opening for political purposes -- through ‘gotcha’ amendments designed to offer 30-second attack ads against vulnerable majority lawmakers, or through poison-pill alternatives designed only to scuttle a bill, not to offer a real alternative -- it soon will lose its moral high ground for objecting to Majority restriction on debate an amendments.”

For a full summary of the 111th House Rules Package, visit: www.rules.house.gov

For additional fact sheets and resources on the Rules package, visit: <http://majorityleader.house.gov>

⁵ 154 CONG. REC. H4812 (daily ed. May 22, 2008)(Rep.Conaway)

⁶ CONG. REC. H5608 (daily ed. June 19, 2008)(statement of Rep. Hoyer)

⁷ CONG. REC. H8170-71 (daily ed. July 19, 2007)(statement of Rep. Obey)

⁸ CONG. REC. H1397 (daily ed. March 6, 2008)(statement of Rep. George Miller)

⁹ CONG. REC. H1055 (daily ed. February 26, 2008) (statement of Rep. Hoyer)

¹⁰ Roll Call, May 2, 2007