

# Chapter 48

## Refer and Recommit

### A. GENERALLY; MOTIONS

- § 1. In General
- § 2. Form and Effect of Motion
- § 3. Referral to Particular Committees
- § 4. Motions in Committee of the Whole

### B. THE SIMPLE MOTION TO REFER

- § 5. In General
- § 6. Precedence; Relation to Other Motions
- § 7. Debate on Motion

### C. REFERRAL PENDING MOTION TO STRIKE ENACTING CLAUSE

- § 8. In General

### D. REFERRAL PENDING OR AFTER ORDERING THE PREVIOUS QUESTION

- § 9. In General; When in Order
- § 10. Application of Motion
- § 11. Who May Offer Motion; Recognition
- § 12. Debate on Motion

### E. RECOMMITTAL PENDING FINAL PASSAGE

- § 13. In General
- § 14. Who May Offer Motion; Recognition
- § 15. Debate on Motion
- § 16. Effect of Special Rules

### F. MOTIONS WITH INSTRUCTIONS

- § 17. In General
- § 18. Instructions to Report “Forthwith”
- § 19. Dividing the Question on Instructions
- § 20. Instructions Subject to a Point of Order

## § 1

## HOUSE PRACTICE

### Research References

5 Hinds §§ 5521–5604

8 Cannon §§ 2695–2773

Deschler Ch 23 § 25

*Manual* §§ 420, 427, 448–451, 494, 916, 917, 1001–1002c

## A. Generally; Motions

### § 1. In General

When a bill is introduced, it is referred to one or more committees by direction of the Speaker. See INTRODUCTION AND REFERENCE OF BILLS. When a bill is reported by a committee, it is referred to the appropriate calendar by direction of the Speaker. See CALENDARS.

Motions for the referral, committal, or recommittal of a matter to a committee are permitted at certain narrowly circumscribed stages of the legislative process. These motions are:

- The ordinary motion to refer “when a question is under debate” under rule XVI clause 4. *Manual* §§ 911, 916.
- The motion to recommit (or commit, as the case may be) a matter to a committee pending or after the ordering of the previous question thereon under rule XIX clause 2. *Manual* § 1001.
- The motion to refer a bill to a committee pending a vote in the House on a motion to strike the enacting words as provided in rule XVIII clause 9. *Manual* §§ 988, 989.

When the House recodified its rules in the 106th Congress, it consolidated the last sentence of former rule XVII clause 1 and certain provisions of former rule XVI clause 4, addressing the motion to recommit, under rule XIX clause 2. *Manual* § 1002.

### § 2. Form and Effect of Motion

MEMBER: Mr. Speaker, I move to refer (or commit or recommit) the bill (or resolution) to the Committee on \_\_\_\_\_.

Such motion may be subject to debate, depending on the applicable rule. The motion itself may not include a preamble, argument, or explanation. 5 Hinds § 5589; 8 Cannon § 2749. The motion may include instructions. See §§ 17–20, *infra*. The “straight” motion (without instructions) sends a measure to a specified committee and leaves the disposition thereof to the discretion of the committee. Deschler Ch 23 § 25. For a discussion of a motion to recommit or commit with instructions, see §§ 17–20, *infra*.

A “straight” motion to recommit and a motion to recommit with instructions have equal precedence. 8 Cannon §§ 2714, 2758.

### § 3. Referral to Particular Committees

The motion to refer, commit, or recommit may propose a referral to a named standing committee, or to two or more standing committees, without regard to the usual rules governing committee jurisdiction. 4 Hinds §§ 4375, 4401; 5 Hinds § 5527; Deschler Ch 23 § 25. The motion may provide for referral to a committee other than that reporting the underlying measure. 8 Cannon § 2696.

A matter may be referred on motion to the Committee of the Whole (5 Hinds §§ 5552, 5553, 6631) or to a select committee, including one that is established pursuant to the motion (4 Hinds § 4401). However, motions for the referral of a matter to a subcommittee are not in order. 8 Cannon § 2739.

### § 4. Motions in Committee of the Whole

The motions permitted by House rules for the referral of a matter do not apply in Committee of the Whole. 4 Hinds § 4721; 8 Cannon §§ 2326, 2327. It is in order under certain circumstances in the Committee to move that the Committee rise and report back to the House with the *recommendation* that the measure under consideration be recommitted. Such a motion is entertained only at the completion of the reading of the bill for amendment, and it is usually precluded by the language of a special rule from the Committee on Rules ordering the previous question. *Manual* § 916; 4 Hinds §§ 4761, 4762; Deschler Ch 23 § 26.5.

The House, while acting in the House as in the Committee of the Whole, may refer a matter to a committee. 4 Hinds §§ 4931, 4932.

## B. The Simple Motion to Refer

### § 5. In General

#### Generally; When to Offer

A simple motion to refer is permitted by rule XVI clause 4(a) “when a question is under debate.” *Manual* §§ 911, 916. This motion is in order pending the consideration of the underlying matter. The motion may be offered by any Member, who need not qualify as being in opposition to the pending question. Deschler Ch 23 § 25.

## § 6

## HOUSE PRACTICE

The motion to refer under rule XVI clause 4 may be offered before the proponent of the proposition is recognized to control debate on the underlying measure. Deschler-Brown Ch 29 § 68.51. The motion may not be offered while another Member holds the floor in debate. 6 Cannon § 468; 8 Cannon § 2742. Once disposed of, it cannot be offered again at the same stage of the question on the same day. *Manual* § 911.

### **Application of Motion**

A measure before the House under the general rules of the House is subject to the motion. The motion is applicable to a measure called up from the House Calendar, including a resolution from the Committee on House Administration, a resolution adopting the rules of the House, to an article of impeachment, and to a resolution raising a question of the privileges of the House. 6 Cannon § 549; Deschler Ch 1 § 9; Deschler-Brown Ch 29 § 68.51. The motion has been applied to a vetoed bill, with or without the veto message. 4 Hinds §§ 3550, 3551; for referral of Presidential messages, see *Manual* § 875.

### **Referral With Instructions**

The motion to refer may include instructions or be amended to include instructions. 5 Hinds § 5521. If the previous question is rejected on the motion, amendments including proper instructions in the motion are in order. *Manual* § 917; for instructions generally, see §§ 17–20, *infra*.

## **§ 6. Precedence; Relation to Other Motions**

The motion to refer under rule XVI clause 4 takes precedence over the motions to amend or to postpone indefinitely, but yields to the motions to adjourn, to table, for the previous question, or to postpone to a day certain. *Manual* § 911. Thus, the Chair may recognize the Member seeking to offer the preferential motion before the less preferential motion is read. *Manual* § 916. The motion to refer is subject to the motion to table. *Manual* §§ 911, 914.

The motion for the previous question takes precedence over the motion to refer under rule XVI clause 4. *Manual* §§ 911, 916. However, where the motion to refer under that rule is preempted by the motion for the previous question on a resolution on which there has been no debate, rejection of the motion for the previous question leaves the motion to refer pending. 101–2, Mar. 22, 1990, pp 4996–98.

### § 7. Debate on Motion

A motion to refer under rule XVI clause 4 (before the previous question is ordered) is separately debatable pending the consideration of the underlying matter. *Manual* § 713. The motion is debatable under the hour rule. Deschler-Brown Ch 29 § 68.51. The scope of the debate is narrowly confined and may not extend to the merits of the underlying matter. 5 Hinds §§ 5564–5568; 6 Cannon § 549. Such debate is terminated by the adoption of the previous question on the motion. Deschler Ch 23 § 25.

## C. Referral Pending Motion to Strike Enacting Clause

### § 8. In General

Rule XVIII clause 9 permits the offering of a motion to refer a measure to a committee, which may include instructions, pending concurrence by the House in a recommendation from the Committee of the Whole that the enacting clause of a measure be stricken. *Manual* § 988. As noted elsewhere, the recommendation that the enacting clause be stricken may interrupt and supersede the offering of amendments in Committee of the Whole and, if agreed to by the House, defeats the bill. See COMMITTEES OF THE WHOLE.

The motion to refer permitted by this rule is to be distinguished from the motion to recommit that may be made pending final passage of the bill under rule XIX clause 2. The motion to recommit pending passage ensures the right of the minority to have a final opportunity to perfect the bill or to return it to committee. § 14, *infra*. In contrast, the motion to refer under rule XVIII comes before action on the recommendation that the enacting clause be stricken and allows the friends of the original bill to avert its demise by referring it to committee where it may be considered in the light of the action of the House. 8 Cannon § 2629.

The motion to refer permitted by rule XVIII may include instructions to report back forthwith with an amendment to the underlying bill. *Manual* § 989.

The recommendation that the enacting clause be stricken may not be combined with a recommendation that the bill be recommitted to a committee. Deschler Ch 19 § 10.10.

#### Automatic Recommittal

When the House disagrees with the recommendation of the Committee of the Whole to strike the enacting words and does not refer the bill under the provisions of the rule, the bill is recommitted to the Committee, where

it becomes unfinished business. This process is automatic and does not require a motion. 5 Hinds §§ 5326, 5345, 5346; 8 Cannon § 2633.

### **D. Referral Pending or After Ordering the Previous Question**

#### **§ 9. In General; When in Order**

The motion to recommit (or commit, as the case may be) is authorized under rule XIX clause 2. Under this rule, the motion is in order pending the motion for the previous question or after the previous question has been ordered on passage or adoption. The motion may be made with instructions and may provide for referral to a standing or select committee. *Manual* § 1001. It is not necessary that the underlying proposition be reported from a committee. 95–2, July 12, 1978, p 20504. Only one proper motion to commit is in order under the rule. *Manual* § 1002b; 5 Hinds § 5577.

If the previous question has been ordered on a proposition on which there has been no debate, and a Member insists on the 40 minutes of debate permitted by rule, the motion to commit should be made only after such debate. *Manual* § 999; 99–1, May 8, 1985, p 11072.

When the previous question is ordered on all stages of a bill to final passage, the motion to commit is not in order before engrossment or third reading. *Manual* § 1002; 5 Hinds §§ 5578–5581. The motion to commit may be made pending the demand for the previous question on passage or adoption but, at that stage, is subject to the motion to table. 5 Hinds § 5576.

#### **Instructions With Motion**

A motion to commit under rule XIX clause 2 may be offered with instructions, such as an instruction to report back with an amendment. *Manual* § 1002b. Thus, a motion to commit a resolution electing minority members to standing committees may be offered with instructions to a select committee to report back “forthwith” with an amendment adding the names of additional Members. Deschler-Brown Ch 29 § 23.55; instructions generally, see §§ 17–20, *infra*.

#### **Amendments to Motion**

A motion to commit may be amended, as by adding instructions, unless the previous question is ordered on the motion. 5 Hinds §§ 5582–5584; 8 Cannon § 2695.

### § 10. Application of Motion

The rule authorizing the motion to commit, pending or after the previous question, is construed as applying across a broad range of legislative business, including:

- Bills and joint resolutions. 5 Hinds § 5576.
- Simple resolutions and concurrent resolutions. 5 Hinds § 5573; Deschler-Brown Ch 29 § 23.54.
- Conference reports if the other House has not discharged its managers. See CONFERENCES BETWEEN THE HOUSES.
- Senate amendments being considered in the House before the stage of disagreement. 5 Hinds § 5575.
- A resolution stating a question of privilege, such as a disciplinary resolution, or a resolution certifying the contempt of a committee witness. Deschler Ch 23 § 26.13; Deschler-Brown Ch 29 § 68.51.
- A resolution electing Members to standing committees. Deschler-Brown Ch 29 § 23.55.

The motion to commit may not be separately applied to amendments to the underlying proposition. Deschler Ch 23 § 25. When the previous question has been ordered on a simple resolution and a pending amendment thereto, the motion to commit should be offered after the vote on the amendment. 5 Hinds §§ 5585–5588.

The motion does not apply to special orders reported by the Rules Committee because rule XIII clause 6(b) prevents the Speaker from entertaining dilatory motions until reports from such committee are disposed of. 5 Hinds §§ 5598–5601; Deschler Ch 23 § 25.11. However, if the motion for the previous question is rejected, this restriction no longer strictly applies. *Manual* § 858.

### § 11. Who May Offer Motion; Recognition

As noted elsewhere in this chapter, priority in recognition on a motion to recommit a bill pending final passage under rule XIX clause 2 is given to an opponent of the bill. § 14, *infra*. Thus, an opponent, with preference given first to the Minority Leader or his designee and then to a minority member on the reporting committee (in order of seniority on the committee), has priority in recognition to offer the motion under rule XIX. *Manual* § 1001. However, if the underlying matter is a resolution offered from the floor as a question of the privileges of the House, the Member offering the motion to commit need not qualify as stating his opposition to the resolution. Deschler-Brown Ch 29 § 23.60.

It is the prerogative of the minority, when the House is operating under general parliamentary procedure, to offer a motion to commit the resolution adopting the rules, but the minority member offering the motion need not qualify as opposed to the resolution. *Manual* § 60.

### **§ 12. Debate on Motion**

Under rule XIX clause 2, a motion to commit with instructions is not separately debatable after the previous question is ordered on the underlying simple or concurrent resolution. 5 Hinds § 5582. Thus, the previous question having been ordered on a resolution before adoption of the rules, the motion to commit—even one including instructions—is not debatable. *Manual* § 60. As to the debate permitted on a motion to recommit pending final passage of a bill or joint resolution, see § 15, *infra*.

## **E. Recommittal Pending Final Passage**

### **§ 13. In General**

The motion to recommit a bill or joint resolution after the previous question has been ordered on the question of final passage is authorized by rule XIX clause 2. Clause 2(b), which permits debate on the motion, does not apply to simple resolutions, concurrent resolutions, or conference reports. *Manual* § 1001; § 15, *infra*.

#### **When in Order**

The motion to recommit a bill is typically made after the engrossment and third reading of the bill. Deschler Ch 23 § 29.1. A Member seeking to offer the motion must be on his feet addressing the Chair after the engrossment and third reading of the bill and before the Chair puts the question on passage of the bill. The motion comes too late when the Chair has put the question on passage and has announced the apparent result of the vote. Deschler Ch 23 §§ 29.5, 29.6.

#### **Repetition of Motion**

Clause 2 permits only one motion to recommit after the previous question has been ordered. However, if the motion is ruled out on a point of order, its proponent or another qualifying Member is entitled to offer a proper motion to recommit. *Manual* § 1002b; 8 Cannon § 2713.



### Amendments to Motion

A motion to recommit is subject to amendment until the previous question is ordered on the motion. Deschler Ch 23 § 25.1. If the previous question on the motion is not ordered, the motion is open to amendment. Deschler Ch 23 § 25.2. The amendment must be germane to the pending measure and not necessarily to the original motion. *Manual* § 1002a; see § 17, *infra*. Any point of order against an amendment to the motion should be raised immediately following the reading of the amendment. *Manual* § 924.

### § 14. Who May Offer Motion; Recognition

SPEAKER: Is the gentleman opposed to the measure?

This is the threshold question to be put by the Chair in determining a Member's qualification to offer a motion to recommit. Deschler Ch 23 § 25. At one time the applicable rule was construed to give the friends of the bill an opportunity to correct any errors in the bill before the House voted on passage. 8 Cannon § 2762. Under rule XIX clause 2, the Speaker is required to give preference in recognition to a Member who is opposed to the bill, whether the motion is made with or without instructions. *Manual* § 1002c. This rules change was intended to allow the minority a final opportunity to return the bill to committee or (through instructions) to have its version of the bill brought to a vote. Deschler Ch 23 § 25.

In recognizing a Member to move to recommit, the Chair does not attempt to assess the degree of that Member's opposition. The Chair makes no distinction between Members who are unqualifiedly opposed and those who phrase their opposition "to the bill in its present form." *Manual* § 1002c.

Among Members opposed to the bill, the Speaker will first look to the Minority Leader or his designee, then to minority members of the committee reporting the bill (in order of seniority on the committee), then to other members of the minority, and finally to majority members. *Manual* § 1002c. These principles of recognition are followed even where a bill under consideration is not reported from committee. See 89-1, Sept. 29, 1965, p 25439; 96-1, Nov. 28, 1979, pp 33904, 33906, 33914. Priority in recognition to the Minority Leader or his designee is imputed from the form of rule XIII clause 6. § 16, *infra*.

It is not too late for a senior member of the committee to seek recognition where another minority member has qualified as opposed to the bill but where his motion has not yet been read by the Clerk. Deschler Ch 29 § 8.21.

**Recognition for Amendments to Motion**

If the previous question is not ordered on a motion to recommit, the person offering an amendment to the motion does not have to qualify as being opposed to the bill. Deschler Ch 23 § 27.14. A Member who, in the Speaker's determination, led the opposition to ordering the previous question on the motion to recommit—such as the chairman of the committee reporting the bill—is entitled to offer an amendment to the motion regardless of party affiliation. *Manual* § 1002c.

**§ 15. Debate on Motion****Generally**

The straight motion to recommit is not debatable whether offered pending the previous question on the measure or after the previous question has been ordered. 5 Hinds § 5582; Deschler Ch 23 § 25. Under rule XIX clause 2(b), the motion to recommit after the previous question is ordered on final passage is rendered debatable only by unanimous consent or by the inclusion of instructions in the motion. *Manual* § 1002a. Under that rule, a motion to recommit with instructions a bill or joint resolution on which the previous question is ordered to passage is debatable for 10 minutes, 5 minutes in favor of the motion and 5 opposed. Under clause 2(c) debate may be extended to one hour, equally divided, upon demand of the majority floor manager of the bill. *Manual* § 1001. The debate permitted by the rule is inapplicable to a motion to recommit with instructions a simple or concurrent resolution or a conference report. *Manual* § 1002a.

**Control of Debate Time**

The Member in support of a motion to recommit with instructions is recognized for five minutes and must use or yield back all of that time. He may not reserve a portion thereof. However, the Member offering the motion may, at the conclusion of the 10 minutes of debate, yield to another Member to offer an amendment to the motion if the previous question has not been ordered on the motion. *Manual* § 1002a.

A Member recognized for five minutes in opposition to a motion to recommit with instructions controls the floor for debate only and may not yield to another Member to offer an amendment to the motion to recommit. Deschler Ch 23 § 30.4. Where debate time on a motion to recommit with instructions has been lengthened by a special rule, the Chair has allowed time to be allocated and controlled and has permitted the Member controlling time in opposition to close debate. 95–2, Aug. 10, 1978, p 25500.

### § 16. Effect of Special Rules

Rule XIII clause 6(c) precludes the Committee on Rules from reporting a special order which would prevent the motion to recommit a bill or joint resolution from being made as provided in rule XIX clause 2(b). That prohibition includes a motion to recommit with instructions if offered by the Minority Leader or his designee, except on a Senate bill for which the text of a House-passed bill has been substituted. *Manual* § 857.

The prohibition is applicable only to the recommittal of a bill or joint resolution pending initial final passage and does not apply to a special order restricting the recommittal of a simple or concurrent resolution. *Manual* § 859. The Committee on Rules has reported special rules precluding a motion to recommit at subsequent stages; that is, during consideration of amendments between the Houses. See SENATE BILLS; AMENDMENTS BETWEEN THE HOUSES. For an exchange of correspondence between the chairman and ranking minority member of the Rules Committee regarding this practice, see 104–2, Jan. 24, 1996, pp 1228–29.

## F. Motions With Instructions

### § 17. In General

The motion to refer, commit, or recommit may include instructions. Such instructions may direct a designated committee to take a specified action, such as to study a subject germane to the underlying measure. *Manual* § 1002b; Deschler Ch 23 § 25. A committee may be instructed as follows:

- To report “forthwith” with an amendment. § 18, *infra*.
- To report the bill back promptly with certain amendments. *Manual* § 1002b.
- To consider the bill in relation to the President’s energy message and to promptly hold hearings thereon. 95–1, Apr. 29, 1977, p 12886.
- To hold hearings and promptly report recommendations on how to amortize the cost of the bill. 101–2, Mar. 29, 1990, p 6042.
- To hold hearings on a proposal and to solicit the views of the Attorney General. Deschler Ch 23 § 26.2.
- To examine the sufficiency of a contempt citation and report back to the House. Deschler Ch 23 § 32.11.

Unlike the case of a motion to recommit with instructions to report back “forthwith” (the adoption of which occasions an immediate report on the floor), the adoption of a motion to recommit with instructions to report back “promptly” sends the bill to committee, whose eventual report (if any) is not immediately before the House. *Manual* § 1002b; Deschler Ch 23

§ 32.25. The “promptly” instructions may be express concepts rather than specify actual text. 106-1, Oct. 6, 1999, p \_\_\_\_\_. The instructions are considered advisory and are not required to be carried out by the committee.

### **Amendments to Instructions**

A motion to recommit with instructions may be amended if the previous question has not been ordered thereon. A substitute amendment which strikes all of the proposed instructions and inserts others in their place is in order if germane to the pending measure, and does not violate the right of the minority to move to recommit. 8 Cannon § 2759. An amendment offered to an instruction must be germane to the bill, not necessarily to the original instruction. *Manual* § 930.

### **§ 18. Instructions to Report “Forthwith”**

The House may recommit a bill to committee with instructions to report an amendment “forthwith.” Such instructions must be complied with immediately. *Manual* § 1002b. The House has used this procedure even with respect to an amendment in the nature of a substitute for the entire bill. Deschler Ch 23 § 32.16.

Having been instructed to report “forthwith,” the committee is not required to convene and consider the measure. The chairman or other designated committee member immediately rises and announces that, pursuant to the instructions of the House, he is reporting the measure back to the House with the instructed amendment. Deschler Ch 23 § 25. The House then votes on the amendment and, if it is adopted, again on engrossment and third reading of the bill before final passage, as shown in the following example:

SPEAKER: The question is on the engrossment and third reading of the bill.

*Note:* The question is then put. If it carries, the bill is ordered to be engrossed and read a third time, and is read the third time.

MEMBER: I offer a motion to recommit.

SPEAKER: Is the gentleman opposed to the bill?

MEMBER: I am, Mr. Speaker.

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

CLERK: MR. \_\_\_\_\_ of \_\_\_\_\_ moves to recommit the bill, H.R. \_\_\_\_\_, to the Committee on \_\_\_\_\_ with instructions to report the bill forthwith with the following amendment: \_\_\_\_\_

*Note:* The motion is subject to 10 minutes of debate or up to one hour if demanded by the floor manager of the

bill, equally divided between the proponent and a Member opposed to the motion. § 15, *supra*.

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

*Note:* A vote having been taken and announced in the affirmative, the chairman of the designated committee rises:

CHAIRMAN: Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report back the bill, H.R. \_\_\_\_\_, with an amendment [*the amendment is read in the House by the Clerk*].

SPEAKER: The question is on the amendment.

*Note:* The amendment is voted on; if it is adopted, the Speaker again puts the question on engrossment and third reading of the bill; if agreed to, the question is on passage of the bill.

### § 19. Dividing the Question on Instructions

On a motion to recommit with instructions, it is not in order to demand a separate vote on the instructions or various branches thereof. 5 Hinds §§ 6134–6137; 8 Cannon §§ 2737, 3170. However, when a bill is reported back to the House with an amendment pursuant to such instructions, a division of the question may be demanded on the amendment if the question is otherwise in a divisible form. *Manual* § 921. A motion to recommit a bill to conference with various instructions may not be divided. *Manual* § 921; generally, see DIVISION OF THE QUESTION FOR VOTING.

### § 20. Instructions Subject to a Point of Order

A motion to recommit may not propose to do that which may not be done by amendment under the rules of the House. *Manual* § 1002b; 5 Hinds §§ 5529–5541.

For instance, a motion to recommit may not:

- Propose an amendment that is not germane. 5 Hinds §§ 5529–5541, 5834, 5889; 8 Cannon §§ 2705, 2707, 2708.
- Amend or eliminate an amendment adopted by the House (unless permitted by special order). 5 Hinds § 5531; 8 Cannon §§ 2712, 2714, 2715, 2720–2724; Deschler Ch 23 § 32.20.
- Propose an amendment in violation of rule XXI clause 2, 4, or 5. 5 Hinds §§ 5533–5540.
- Change the rules of the House by authorizing a committee to report at any time (5 Hinds § 5543) or by directing a committee to report by a date certain (5 Hinds § 5549). However, it has been held in order to reoffer an amendment rejected by the House. 5 Hinds §§ 5543, 5549; 8 Cannon § 2728.
- Contain argument. *Manual* § 1002b.

Where a special rule providing for the consideration of a bill prohibited the offering of amendments to a certain title of the bill (at any point during consideration), it was held not in order to offer a motion to recommit with instructions to amend the restricted title. However, that precedent should be read in light of rule XIII clause 6(c)(2), which precludes the Rules Committee from reporting a rule that would prevent a motion to recommit from including amendatory instructions. *Manual* § 1002b.

Under rule XIII clause 6(c), the Committee on Rules may not report a special rule denying to the Minority Leader or his designee the right to offer a motion with instructions. *Manual* § 857. If the special order reported from the Rules Committee permits a motion to recommit “with or without instructions,” amendatory instructions are protected; and a motion to recommit may include instructions (otherwise in order) that modify an amendment previously agreed to by the House. This is true even if the House has adopted an amendment in the nature of a substitute. The insertion of the phrase “one motion to recommit *with or without instructions*” has become routine in special orders reported by the Committee on Rules.

A motion to recommit a bill to a committee with instructions that the bill be reported back forthwith with specified amendments is not in order if, for example, the adoption of the amendments would violate section 311(a) of the Congressional Budget Act by causing revenues to fall below the floor specified in the applicable concurrent resolution on the budget. *Manual* § 1127.

The Chair does not anticipate the content of a motion to recommit and will not rule in advance as to whether particular instructions which might be offered as part of such a motion would be in order. Deschler-Brown Ch 28 § 23.