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RECOMMIT

Under Rule XXII, the motion to commit (recommit or refer) is privileged over amendments to a bill, but comes under all other motions as listed in Rule XXII. (*See* Rule XXII, paragraph 1, below.) The motion to recommit itself is not amendable but instructions may be added to a motion to recommit and the instructions are amendable; that is, if a Senator moves to commit, refer, or recommit a bill during its consideration to one committee, that motion may not be amended by substituting the name of another committee in lieu thereof; but if a motion is made to recommit with instructions that the committee report back the bill or resolution within 30 days, those instructions may be amended, for example, to make it for a shorter or longer period of time.

Any bill or resolution under consideration in the Senate is subject to a motion to commit, recommit or refer; that is not the case with a pending amendment. A motion to commit, recommit, or refer a pending amendment to a bill or resolution under consideration is not in order.

Rule XIV, Paragraph 7

[Third Reading of Bill and Effect Thereof]

When a bill or joint resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall be in order at any time before the passage of any bill or resolution to move its commitment; and when the bill or resolution shall again be reported from the committee it shall be placed on the Calendar.

Rule XVII, Paragraphs 1 and 2

[Motions To Refer]

1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

2. A motion simply to refer shall not be open to amendment, except to add instructions.

Rule XXII, Paragraph 1

[Precedence of Motions]

When a question is pending, no motion shall be received but—
To adjourn.
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
To take a recess.
To proceed to the consideration of executive business.
To lay on the table.
To postpone indefinitely.
To postpone to a day certain.
To commit.
To amend.
Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Amendments to a Bill, Motion To Recommit:

The reference of a pending amendment is not in order. *See* "Amendments to a Bill, Reference of," pp. 1152–1153. A motion to recommit a bill takes precedence over the consideration of amendments thereto. *See* "Precedence of Motions To Recommit," p. 1119.

Amendments to a Motion To Recommit:

Motions to recommit are not open to amendment except to add instructions, which may be amended by changing the character of the instructions; [1] they are in order even if the yeas and nays on the motion have been ordered.[2]

A motion to recommit may be amended by a substitute to recommit with instructions, and the instructions to the substitute would be open to amendment in one degree.[3]

When a motion to recommit with instructions is made and an amendment is proposed to the instructions, and a substitute for that amendment is offered, it is in order to propose a perfecting amendment to the language proposed to be stricken by the substitute.[4]

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[1] *See* May 20, 1949, 81–1, *Record*, p. 6518; Feb. 20, 1952, 82–2, *Record*, p. 1184; Aug. 31, 1959, 86–1, *Record*, p. 17876.
[2] *See* Apr. 23, 1952, 82–2, *Record*, pp. 4289–90.
[3] Feb. 19, 1974, 93–2, *Record*, pp. 3466–67.
[4] Apr. 20, 1983, 98–1, *Record*, p. 9158.

A motion to recommit a bill with instructions is an original question, and an amendment thereto is in the first degree, and may be amended in one further degree; [5] instructions proposed by way of amendment to a motion to recommit may be amended in one degree; [6] subsequently, a further amendment could be proposed, after action on the amendment to the amendment.[7] Where such instructions consist of several propositions, they may be divided upon demand.[8]

A motion to recommit is subject to amendments in two degrees, and only one first degree and one second degree amendment thereto may be pending at any one time, unless the second degree amendment is a complete substitute for the first, in which case a second degree perfecting amendment is also in order.[9]

When a motion to recommit with instructions is pending, and an amendment to strike part of the instructions and insert other language has been offered, the instructions contained in the motion are not subject to further amendment.[10]

If instructions are added to a motion to recommit, the question must be taken on the motion to recommit as so amended.[11]

An amendment to a motion to recommit with instructions providing that certain amendments offered from the floor should be subject to a point of order is in violation of the rules of the Senate and therefore not in order.[12] An amendment to a motion to recommit with instructions, which provides that amendments from the floor to a general appropriations bill increasing the total above a certain amount should be subject to a point of order, was in effect a change of Senate rules without customary procedure.[13]

A motion for the recommittal of a bill for further study is not subject to amendment by a substitute that it should be reported back by a certain day and be taken up for

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[5] *See* May 20, 1949, 81-1, *Record*, p. 6518.
[6] *See* Apr. 23, 1952, 82-2, *Record*, pp. 4289-90; Apr. 23, 1952, 82-2, *Record*, p. 4291.
[7] *See* Apr. 23, 1952, 82-2, *Record*, p. 4291.
[8] Feb. 8, 1915, 63-3. *Record*, pp. 3252-53; *see* Apr. 20, 1977, 95-1, *Record*, p. 11397.
[9] Apr. 30, 1985, 99-1, *Record*, pp. 9667, 9851, 9856.
[10] Apr. 20, 1983, 98-1, *Record*, pp. 9131-41.
[11] *See* Apr. 23, 1952, 82-2, *Record*, p. 4292.
[12] Mar. 21 and 22, 1932, 72-1, *Journal*, pp. 343, 345, *Record*, pp. 6563, 6624.
[13] *Ibid.*

consideration on the following day as unfinished business.[14]

A motion to recommit with instructions, upon a reconsideration, may be amended as to the character of the instructions.[15]

Amendments to a Recommitted Bill:

The adoption of a motion to recommit a bill nullifies any action the Senate has taken on amendments thereto,[16] and Senate action in the adoption of any amendment is not binding on the committee to which the bill is recommitted.[17] The Vice President has ruled that the effect of a recommittal was to nullify action of the Senate on all amendments.[18]

The adoption of a motion to recommit with instructions sends the bill back to committee subject to whatever instructions the Senate agreed to.[19]

If the Senate agrees to a motion to recommit a bill with instructions that all committee amendments shall remain in effect, and that the committee shall report back by a certain day, the bill when it is again considered by the Senate will be subject to amendment; [20] the same would be true of a general appropriation bill.[21]

Appropriations, Recommittal of Appropriations Bills:

See "Recommit," p. 175.

Conference Reports, Recommittal of:

See also "Points of Order Against a Conference Report," pp. 483–485; "Recommit: With or Without Instructions," pp. 486–488.

A motion to recommit a conference report may be amended by instructions but the instructions must be germane to some provisions in the Senate or House passed versions of the bill to be sent to conference so as to be in

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[14] Mar. 15, 1940, 76–3, *Journal*, p. 176, *Record*, pp. 2931–34.
[15] *See* May 17, 1949, 81–1, *Record*, pp. 6315, 6317, 6323, 6330.
[16] May 11, 1949, 81–1, *Record*, pp. 6038–39; *see also* Aug. 11, 1944, 78–2, *Record*, p. 6897; Mar. 27, 1947, 80–1, *Record*, p. 2731; June 5, 1952, 82–2, *Record*, p. 6607; July 23, 1959, 86–1, *Record* p. 14099.
[17] *Ibid*; *see also* Apr. 27, 1942, 77–2, *Record*, p. 3711.
[18] May 11, 1949, 81–1, *Record*, pp. 6038–39.
[19] *See* House precedent Aug. 17, 1951, 82–1, *Record*, pp. 10293–94.
[20] *See* June 5, 1952, 82–2, *Record*, pp. 6607–08.
[21] *See* Apr. 28, 1949, 81–1, *Record*, pp. 5233–34.

order and not subject to a point of order. This case was presented to the Senate on February 19, 1974, when the Senator from Arizona (Mr. Fannin) moved to recommit a conference report (on S. 2589, National Energy Emergency Act) and the Senator from South Dakota (Mr. Abourezk) offered a substitute motion to recommit with instructions to eliminate section 110 of the conference report and then the Senator from New York (Mr. Buckley) offered a substitute amendment for those instructions.[22]

Debate of Motion To Recommit:

See "Recommit, Debate of," pp. 769–770.

Incidental Motions Pending:

The recommittal of a bill takes with it an appeal or other subsidiary motions which may have arisen during the consideration of any said bill.[23]

Instructions:

See also "Amendments to a Motion To Recommit," pp. 1107–1109.

A motion to recommit a bill without instructions made after the rejection of a motion to recommit with instructions is in order.[24]

A bill under consideration, if referred to a committee with instructions to report back by a certain day, will be placed on the Calendar when reported.[25]

A motion to refer a bill to a committee with the proviso that when reported it become the pending business would be in order only by unanimous consent.[26]

On one occasion a Senator offered a motion to recommit a bill to a committee with instructions that it be reported back within a certain time frame "with such changes as may be necessary" to achieve a certain purpose.[27]

On another occasion, the Senate adopted a motion to commit a bill to a committee with instructions that the committee report legislation by a specified date and the instant bill forthwith.[28]

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[22] Feb. 19, 1974, 93–2, *Record*, pp. 3466–67.
[23] Sept. 23, 24, 1919, 66–1, *Journal*, pp. 212–13, *Record*, pp. 5769–76.
[24] *See* July 8, 1964, 88–2, *Record*, pp. 16106, 16111–12.
[25] *See* Mar. 26, 1964, 88–2, *Record*, pp. 6453–54.
[26] *Ibid*: *see also* June 22, 1978, 95–2, *Record*, pp. 18399–400.
[27] June 14, 1984, 98–2, *Record*, p. 16469.
[28] Sept. 19, 1985, 99–1, *Record*, p. 24299.

A motion to recommit with instructions to report back with an amendment may incorporate that amendment by reference, if the amendment has been previously offered, is available, and is of such length that its second reproduction is prohibitive.[29] On one occasion, a Senator moved to recommit a bill with instructions to report back forthwith with all amendments which were agreed to (incorporated by reference but without the text spelled out in the motion) as well as those which were pending to remain in status quo and with one further amendment.[30] On another occasion, a Senator moved to recommit a bill to committee with instructions to report back forthwith with a substitute amendment containing previously offered amendments incorporated by reference to their numbers; the text of those amendments was not spelled out in the motion.[31]

Instructions To Report Forthwith, Recommit With:

The adoption of a motion to recommit with instructions to report back forthwith requires that the committee to which recommitted report the measure back at once, without a meeting of the committee being held, in accordance with the instructions given.[32]

On June 26, 1974, a motion was made and agreed to recommit to report back forthwith a bill, to provide a temporary increase in the public debt limit (H.R. 14832), without amendments. The Senate had already adopted various amendments to the bill and in an effort to get out of creating "a Christmas tree bill" the motion was agreed to, which cleared the atmosphere so as not to load down the bill with amendments.[33]

The Chair in 1964 informed the Senate that if such a motion were agreed to, a meeting of the committee would not be required to authorize the report called for in the motion, but that the Chairman should immediately submit the report to the Senate and that it would then be before the Senate for immediate consideration.[34]

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[29] *See* Oct. 6, 1988, 100-2, *Record*, p. S 14900.
[30] *See* July 14, 1987, 100-1, *Record*, pp. S 9846-47.
[31] *See* Apr. 12, 1989, 101-1, *Record*, pp. S 3749-50.
[32] *See* Apr. 23, 1952, 82-2, *Record*, pp. 4290-93; Sept. 21, 1972, 92-2, *Record*, pp. 31751-52.
[33] June 26, 1974, 93-2, *Record*, pp. 21203-06.
[34] *See* July 27, 1964, 88-2, *Record*, p. 17059; June 19, 1964, 88-2, *Record*, pp. 14441-42; Sept. 21, 1972, 92-2, *Record*, pp. 31751-52.

An amendment in the nature of a substitute for an amendment or for a bill when reported back forthwith pursuant to instructions is before the Senate and open to amendment when it is reported back.[35]

After a substitute amendment for a bill has been adopted and the bill read the third time, a motion to recommit the bill with instructions to report it back forthwith is in order.[36]

A motion to recommit a bill to report forthwith with an amendment is in order at any time prior to the beginning of the vote on passage.[37]

A motion to recommit with instructions to report back forthwith is amendable, even after the yeas and nays have been ordered (but the proponent of the motion loses his right to modify it), but any amendments must relate to the bill itself and be instructions to the committee.[38] The instructions (that is, the amendments to be offered) are amendable but the motion itself is not amendable; [39] likewise, the bill which has been recommitted with instructions to report back forthwith is amendable when it is back before the Senate for further consideration; [40] however, if the motion to report back forthwith with instructions is made and agreed to after the third reading of the bill, the report of the committee is before the Senate for adoption without amendment to the other parts of the bill other than the amendment reported back.[41] Generally speaking, a motion to recommit a measure to report back forthwith with instructions is in order after the third reading.[42]

A motion to recommit with instructions to report back forthwith with an amendment to delete an amendment, and no more, just agreed to by the Senate would not be in order since the Senate would be trying to accomplish indirectly what it could not do directly,[43] but a motion to recommit a bill with instructions to delete a section of a bill would be in order.[44]

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[35] Apr. 25, 1967, 90-1, *Record*, pp. 10691-92.
[36] June 17, 1964, 88-2, *Record*, p. 14238.
[37] Mar. 20, 1975, 94-1, *Record*, p. 7762; *see* Sept. 21, 1972, 92-2, *Record*, pp. 31751-52.
[38] *See* Sept. 28, 1967, 90-1, *Record*, p. 27164; Dec. 28, 1970, 91-2, *Record*, pp. 43625-46; Apr. 25, 1967, 90-1, *Record*, pp. 10691-92.
[39] Oct. 4, 1972, 92-2, *Record*, pp. 33640-57, 33667-84.
[40] *See* Dec. 28, 1970, 91-2, *Record*, p. 43636.
[41] *See* Dec. 11, 1969, 91-1, *Record*, p. 38376; Sept. 21, 1972, 92-2, *Record*, pp. 31751-52.
[42] Oct. 1, 1974, 93-2, *Record*, p. 33265.
[43] Oct. 12, 1972, 92-2, *Record*, pp. 35446-47, 35457-58; Feb. 26, 1973, 93-1, *Record*, pp. 5401-02; *see* June 16, 1977, 95-1, *Record*, pp. 19464-65.
[44] June 29, 1972, 92-2, *Record*, pp. 23121-22.

A motion to recommit a joint resolution with instructions to the committee to report it back forthwith with a certain amendment, if agreed to, imposes upon the chairman the obligation of immediately reporting it back to the Senate in accordance with the instructions of the Senate.[45]

If a bill is recommitted with instructions to report it back forthwith with certain amendments, upon the report of the committee, the amendments would be before the Senate for immediate disposition or consideration.[46]

A motion to recommit with instructions to report forthwith is debatable.[47]

Modification of Motion:

The mover of a motion to recommit a bill with instructions may modify the nature of the instructions until the Senate takes action thereon; [48] after the yeas and nays have been ordered, the mover of such a motion may not in his own right modify his motion.[49]

Motions To Recommit and Their Consideration:

Motions to recommit,[50] motions to recommit with instructions,[51] and motions to recommit with instructions to report forthwith [52] are in order at any time before the passage of a bill or resolution; even if cloture has been invoked thereon; [53] unless such a motion were barred by some kind of a unanimous consent agreement.[54]

After committee amendments have been agreed to, a motion to recommit the bill would be in order.[55]

A motion to recommit or recommit with instructions a pending measure may be made at any time by a Senator who has recognition,[56] prior to a vote on the passage of

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[45] *See* Aug. 8, 1940, 76-3, *Record*, p. 10068.
[46] Apr. 23, 1952, 82-2, *Record*, p. 4292.
[47] *See* Sept. 28, 1967, 90-1, *Record*, p. 27164.
[48] *See* Mar. 31, 1952, 82-2, *Record*, p. 3158.
[49] *See* Apr. 23, 1952, 82-2, *Record*, pp. 4289, 4293.
[50] Rules XIV, paragraph 7 and XVII.
[51] Dec. 4, 1942, 77-2, *Record*, p. 9327; Apr. 28, 1947, 80-1, *Record*, p. 4142; Apr. 29, 1947, 80-1, *Record*, p. 4203; *see also* Mar. 28, 1947, 80-1, *Record*, p. 2807; Sept. 14, 1940, 76-3, *Record*, p. 12173; July 24, 1947, 80-1, *Record*, p. 9975.
[52] *See* Aug. 8, 1940, 76-3, *Record*, p. 10068; Apr. 23, 1952, 82-2, *Record*, pp. 4290-93.
[53] Apr. 11, 1974, 93-2, *Record*, p. 10949.
[54] *See* July 13, 1977, 95-1, *Record*, p. 22776.
[55] Feb. 26, 1973, 93-1, *Record*, pp. 5401-02.
[56] *See* Mar. 31, 1952, 82-2, *Record*, pp. 3153, 3156.

the bill proposed to be recommitted,[57] but the measure proposed to be recommitted must be pending before the Senate for consideration for the motion to recommit to be in order.[58]

If a motion to recommit with instructions is rejected, another motion could be made after a reasonable length of time with different instructions or provisions,[59] or immediately after amendments are added to the bill.[60]

There is no provision in the Senate rules which forbids the repetition of a motion to recommit,[61] and, therefore, the number of motions to recommit a matter is not limited under the rules; [62] a second motion has been made on a succeeding day without being challenged.[63] A motion to recommit is in order when it is substantially different from a previous motion,[64] or where the bill has been materially amended or changed.[65] A further motion to recommit a bill may be made after a reasonable length of time has intervened, and changes have been made in the bill.[66]

A motion to recommit a bill that is under consideration is in order notwithstanding the fact that the yeas and nays had been ordered on the question of agreeing to a committee amendment in the nature of a substitute for the bill.[67]

Such a motion is in order, after the yeas and nays have been ordered on passage, at any time prior to the actual beginning of that rollcall on final passage.[68]

A motion to recommit a bill, which is subsequently laid aside temporarily for the consideration of another bill, will be the pending question when such bill is again taken up.[69]

Motions to recommit with instructions are in order where an agreement has been made dispensing with the

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[57] *See* Sept. 14, 1940, 76-3, *Record*, p. 12173; Feb. 21, 1950, 81-2, *Record*, p. 2041; Apr. 2, 1951, 82-1, *Record*, p. 3062.
[58] Feb. 27, 1929, 70-2, *Journal*, p. 235, *Record*, p. 4553; *see also* footnotes 73-75 below.
[59] *See* Oct. 14, 1949, 81-1; *Record*, p. 14546; Aug. 10, 1957, 85-1, *Record*, p. 14337.
[60] *See* Aug. 31, 1959, 86-1, *Record*, p. 17387; Oct. 2, 1974, 93-2, *Record*, pp. 33507-26.
[61] Apr. 23, 1935, 74-1, *Journal*, p. 289, *Record*, pp. 6188-89.
[62] Apr. 22 and 23, 1935, 74-1, *Journal*, p. 289; Apr. 24, 1935, 74-1, *Journal*, p. 293.
[63] Aug. 11, 1944, 78-2, *Record*, p. 6901.
[64] June 27, 1947, 80-1, *Record* p. 7785.
[65] Apr. 25, 1930, 71-2, *Record*, p. 7712.
[66] *See* Jan. 11 and 14, 1921, 66-3, *Journal*, pp. 51, 55, *Record*, pp. 1247, 1414; Mar. 27, 1956, 84-2, *Record*, p. 5656.
[67] Feb. 1, 1915, 63-3, *Journal*, p. 82, *Record*, p. 2786.
[68] June 1, 1921, 67-1, *Record*, p. 1970.
[69] Feb. 23, 1948, 80-2, *Record*, p. 1498.

formal reading of the bill and providing for consideration of committee amendments first.[70]

A unanimous consent agreement dispensing with the formal reading of a general appropriation bill and giving priority of consideration to committee amendments does not preclude a motion to recommit with instructions.[71]

If a bill has been referred to a committee and subsequently reported, a motion to refer such bill to another committee is in order at any time it is before the Senate for consideration.[72]

Motions To Recommit—Not in Order and When Not in Order:

See also "Consideration, Question of," pp. 655–682.

It is not in order to move to commit or to refer to a committee a bill that is not before the Senate; [73] such a motion can only be made when the measure proposed to be recommitted is pending before the Senate for consideration [74]—a motion to consider having been agreed to or the measure having been reached on the call of the Calendar.[75]

A motion to recommit is not in order at certain times, as specified below, or under the following circumstances:

(1) A report on a bill having been presented under the appropriate order of morning business, a motion to recommit the bill with instructions; [76]

(2) On objection, to recommit a bill when another matter is pending before the Senate; [77]

(3) A motion to recommit a bill on the Calendar, a provision of which has been offered as an amendment to a pending bill, and also the latter bill (as only the bill under consideration is subject to a motion to recommit); [78]

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[70] Mar. 21, 1932, 72–1, *Journal*, p. 343.
[71] Mar. 21, 1932, 72–1, *Journal*, p. 343, *Record*, p. 6563.
[72] Mar. 18, 1959, 86–1, *Record*, 4474.
[73] Aug. 23, 1935, 74–1, *Journal*, p. 687, *Record*, p. 14303; Dec. 16, 1924, 68–2, *Journal*, p. 38; May 29, 1947, 80–1, *Record*, pp. 6039–40; July 16, 1932, 72–1, *Journal*, p. 733; Feb. 27, 1929, 70–2, *Journal*, pp. 235; *see also* Dec. 23, 1932, 72–2, *Record*, p. 958; July 25, 1951, 82–1, *Record*, p. 8806; May 6, 1958, 85–2, *Record*, p. 8133; June 20, 1957, 85–1, *Record*, p. 9827.
[74] Feb. 27, 1929, 70–2, *Journal*, p. 235, *Record*, p. 4553.
[75] *See* July 30, 1886, 49–1, *Record*, p. 7718; June 20, 1957, 85–1, *Record*, 9827.
[76] Feb. 4, 1896, 54–1, *Record*, p. 1267.
[77] June 10, 1943, 78–1, *Record*, p. 5607.
[78] Aug. 10, 1944, 78–2, *Record*, p. 6851.

(4) A motion to recommit a bill upon its being reported from a committee (it not being up for consideration by the Senate); [79]

(5) A motion to refer a resolution that is not before the Senate; [80]

(6) To recommit a resolution, while a motion to proceed to its consideration is pending; [81]

(7) To recommit a portion of a bill to a committee; [82]

(8) To recommit a bill with instructions to report back on a certain day and fixing a time to consider the bill in the Senate; [83]

(9) To recommit a conference report with instructions, where the House had previously agreed to the report, thereby discharging its conferees; [84]

(10) To recommit a group of nominations [85] (unanimous consent is required to recommit nominations en bloc) [86] —where a specific nomination is before the Senate for confirmation a motion to recommit such nomination, together with others in the same group; [87] and

(11) When a committee, pursuant to a Senate resolution, submitted a report of an investigation upon which no action was required to be taken by the Senate (to recommit such report to the committee with instructions).[88]

While a motion to recommit a bill is pending, another motion for the same purpose is not in order.[89]

When the Senate is operating under unanimous consent agreements to the following effect, it has been held that they excluded motions to recommit:

(1) Unanimous consent agreement to vote on a resolution; [90]

(2) Unanimous consent agreement for a vote on the final disposition of a bill; [91] and on a day certain; [92]

(3) Unanimous consent agreement to vote on the final passage of a bill or joint resolution, and amendments

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[79] May 14, 1890, 51-1, *Record*, p. 4643.
[80] July 25, 1892, 52-1, *Record*, p. 6692.
[81] May 7, 1953, 83-1, *Record*, p. 4654.
[82] June 28, 1917, 65-1, *Record*, p. 4409.
[83] Mar. 15, 1940, 76-3, *Record*, p. 2934.
[84] Feb. 24, 1926, 69-1, *Journal*, p. 189, *Record*, pp. 4486-97.
[85] Dec. 6, 1944, 78-2, *Record*, p. 8905.
[86] July 18, 1950, 81-2, *Record*, p. 10512.
[87] *Ibid.*
[88] July 20, 1950, 81-2, pp. 10690, 10692-96.
[89] *See* July 13, 1956, 84-2, *Record*, p. 12627.
[90] *See* May 13, 1935, 74-1, *Record*, p. 7387.
[91] Jan. 31, 1923, 67-4, *Journal*, p. 125, *Record*, p. 2777.
[92] Jan. 24, 1921, 66-3, *Journal*, p. 67, *Record*, pp. 1958-59.

thereto at a certain hour (as being in contravention of the distinct language of the agreement); [93]

(4) Unanimous consent agreement fixing a time for a final vote on a bill; [94]

(5) Unanimous consent agreement providing for a vote on amendments or motions, and on final passage of a bill; [95]

(6) Unanimous consent agreement to vote on a measure; [96]

(7) Unanimous consent agreement fixing a day for a vote upon a bill through the regular parliamentary stages to its final disposition; [97]

(8) Unanimous consent agreement to vote on advising and consenting to a nomination; [98]

(9) Unanimous consent agreement to vote on the confirmation of a nomination at a specified hour; [99] and

(10) Unanimous consent agreement to vote at an hour certain on a specific motion to insist on Senate amendments.[100]

(11) Unanimous consent agreement to vote on a measure, immediately following the disposition of another measure.[101]

A motion to recommit a bill, being considered under a unanimous consent agreement limiting and controlling debate, is not in order while another Senator has the floor; the motion is in order by a Senator who can get the floor in his own right and takes precedence over a committee substitute or any other amendment.[102]

When operating under a unanimous consent agreement limiting debate on a measure, a motion to recommit may be made when all time has expired on an amendment thereto, and all amendments would be included in the motion to recommit.[103]

Under a unanimous consent agreement limiting debate on a bill and amendments thereto, a motion to recommit

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[93] Jan. 15, 1918, 65-2, *Record*, pp. 881-82; *see also* Jan. 10, 1907, 59-2, *Record*, pp. 880-81, 886.

[94] Sept. 6, 1962, 87-2, *Record*, p. 18721; *see also* Dec. 13, 1924, 68-2, *Record*, p. 566.

[95] July 27, 1947, 80-1, *Record*, p. 7783.

[96] Mar. 30, 1943, 78-1, *Record*, p. 2714; *see also* July 19, 1946, 79-2, *Record*, p. 9404.

[97] *See* July 20, 1921, 67-1, *Record*, p. 4115; Feb. 4, 1927, 69-2, *Record*, pp. 2945-46.

[98] July 10, 1950, 81-2, *Record*, pp. 9767-68; *see also* Aug. 18, 1949, 81-1, *Record*, p. 11723.

[99] *See* Sept. 27, 1949, 81-1, *Record*, pp. 13292-93.

[100] July 16, 1974, 93-2, *Record*, pp. 23545-47.

[101] Jan. 20, 1987, 100-1, *Record*, p. S 887.

[102] Feb. 6, 1956, 84-2, *Record*, pp. 2055, 2058.

[103] *See* Mar. 27, 1956, 84-2, *Record*, p. 5650.

is not in order while an amendment is pending until the time for debate thereon has expired.[104]

Under a unanimous consent agreement for a final vote on a bill on a specified day, subject to a motion to postpone to a day certain, a motion to postpone to a different day and that in the meantime the bill be recommitted to the committee with certain instructions is not in order.[105]

Under a unanimous consent agreement in 1949 for a vote on a bill and amendments, the Chair held that a motion to recommit would be in order after all amendments had been proposed and before the final vote on the bill; he subsequently expressed doubt as to whether such motions would be in order.[106]

In 1922, under a unanimous consent agreement fixing a day for a vote on the final passage of a measure, there was inserted a provision making in order a motion to recommit, either with or without instructions.[107]

Nominations, Recommit:

See "Recommit," p. 947.

Point of Order Against Motion:

A point of order will lie against a motion to recommit a bill to a committee with instructions that the bill be reported back forthwith with specified amendments, if the effect of the motion is to produce a violation of section 311(a) of the Budget Act of 1974 (in this case to cause revenues to fall below the floor specified in the second concurrent resolution on the budget for the relevant fiscal year). If such point of order were raised, a motion to waive the Budget Act could be made, and that motion would be debatable.[108]

Point of Order: for Recommittal of Appropriation Bills and Amendments Thereto on Point of Order:

See "Points of Order" pp. 987–996.

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[104] Nov. 13, 1980, 96-2, *Record*, p. 29482; June 28, 1960, 86-2, *Record*, p. 14749; *see also* May 5 and 7, 1954, 83-2, *Record*, pp. 6187-88, Apr. 26, 1968, 90-2, *Record*, p. 10809.
[105] May 2, 1912, 62-2, *Journal*, p. 315, *Record*, pp. 5739-40.
[106] Aug. 26 and 29, 1949, 81-1, *Record*, pp. 12339, 12426.
[107] Nov. 24, 1922, 67-3, *Journal*, p. 12, *Record*, p. 131.
[108] Apr. 20, 1983, 98-1, *Record*, p. 9151.

Point of Order—Resolution Recommitted:

A point of order was made under Rule XXV that an original resolution reported by one committee, the subject matter of which predominantly was within the jurisdiction of another committee, was not rightly before the Senate, which was sustained by the Senate on a rollcall vote; this had the effect of recommitting the bill to the committee of appropriate jurisdiction.[109]

Postpone, Recommit Motion To:

A motion to postpone to a day certain the consideration of a motion to recommit a bill is in order.[110]

Precedence of Motions To Recommit:

A motion to recommit a bill takes precedence over an amendment thereto.[111]

A motion to recommit has precedence over the consideration of an amendment.[112]

Pending a motion to recommit a measure, amendments may be offered to it by unanimous consent only,[113] since a motion to recommit or recommit with instructions takes precedence over a pending amendment,[114] even though the yeas and nays have been ordered thereon.[115]

After committee amendments have been agreed to, a motion to recommit the bill would be in order.[116]

A motion to recommit a bill, or recommit with instructions, takes precedence over a motion to suspend the rules.[117]

A motion to proceed to the consideration of a bill has precedence over a motion to recommit a pending bill.[118]

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[109] July 14, 1966, 89-2, *Record*, pp. 15683, 15690.
[110] June 26, 1914, 63-2, *Record*, p. 11172.
[111] *See* Nov. 3, 1977, 95-1, *Record*, p. 36767.
[112] Nov. 13, 1980, 96-2, *Record*, p. 29482.
[113] Mar. 31, 1914, 63-2, *Record*, p. 5612.
[114] Apr. 23, 1951, 82-1, *Record*, p. 4171; July 1, 1953, 83-1, *Record*, p. 7796; June 5, 1952, 82-2, *Record*, pp. 6607-08; Sept. 21, 1914, 63-2, *Record*, pp. 15469, 15475; *see also* Apr. 2, 1951, 82-1, *Record*, p. 3062; Mar. 31, 1952, 82-2, *Record*, p. 3157; June 15, 1932, 72-1, *Record*, p. 12988; May 20, 1949, 81-1, *Record*, p. 6518; June 19, 1956, 84-2, *Record*, pp. 10585, 10587; Apr. 26, 1968, 90-2, *Record*, p. 10809; Oct. 8, 1975, 94-1, *Record*, pp. 32325, 32659-60; 32644-87; June 16, 1977, 95-1, *Record*, pp. 19464-65.
[115] *See* Apr. 29, 1969, 91-1, *Record*, p. 10732.
[116] Feb. 26, 1973, 93-1, *Record*, 5401-02.
[117] May 20, 1949, 81-1, *Record*, p. 6518.
[118] *See* Apr. 8, 1935, 74-1, *Record*, p. 5234.

Recommitted Bill—Status of:

See also "Amendments to a Recommitted Bill," p. 1109.

A bill recommitted without instructions goes back to the committee in the form in which it was introduced.[119]

A motion to recommit a bill with instructions to report it back within a given time contemplates the particular bill by number shall be reported back,[120] but the committee can report any revision of that bill it deems wise and prudent or any bill on the subject matter that it sees fit to report.[121]

A recommitted bill if reported back to the Senate, comes back as if it had not been previously reported and is placed on the Calendar with no preferred status, and must lie over a legislative day before a motion is in order to take it up.[122]

A motion to recommit a Senate resolution with instructions to report a joint resolution in lieu thereof, if reported back to the Senate, must be considered in the same manner as any other joint resolution.[123]

Where a general appropriation bill is recommitted with instructions, when reported back it will be subject to amendments in the Senate.[124]

When a measure considered under the Congressional Budget Act is recommitted, and that measure is again before the Senate, the time for debate on the measure is that which remained at the time of recommittal.[125]

Reconsideration of Motion To Recommit:

When a motion to recommit a bill with instructions is reconsidered, the question will recur on the motion to recommit; [126] if that motion is then rejected, the bill is again before the Senate in the form in which it was originally before voting to recommit.[127]

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[119] *See* Apr. 8, 1935, 74-1, *Record*, p. 5232.
[120] *See* Oct. 4, 1949, 81-1, *Record*, pp. 13791-92.
[121] *See* Apr. 23, 1952, 82-2, *Record*, p. 4292.
[122] *See* Oct. 4, 1949, 81-1, *Record*, pp. 13791-92.
[123] *See* Apr. 3, 1951, 82-1, *Record*, p. 3177.
[124] *See* Apr. 28, 1949, 81-1, *Record*, pp. 5233-34.
[125] May 12, 1983, 98-1, *Record*, p. 12099.
[126] *See* May 17, 1949, 81-1, *Record*, pp. 6315, 6317, 6323, 6330.
[127] *Ibid.*

Where the vote recommitting a bill to a committee has been reconsidered, such a bill then occupies the same parliamentary status it had before voting to recommit.[128]

The entering of a motion to reconsider a vote whereby a measure was to be recommitted to committee with instructions that it be reported back forthwith with an amendment does not stay that action, and the measure is recommitted and reported back immediately pursuant to instructions.[129]

Rejection of Motion To Recommit:

If a motion to recommit a bill is not agreed to, the status of such bill is not changed, and it would be open to amendment.[130]

Renewal of Motion:

See "Motions To Recommit and Their Consideration," pp. 1113–1115.

Reported Bill Recommitted—Less Than Quorum Voting To Report:

A report on a bill having been challenged on the ground that it was authorized by less than a quorum of the committee, the bill, after debate, was recommitted.[131]

Report Forthwith:

See "Instructions To Report Forthwith, Recommit With," pp. 1111–1113.

Tabling of Motion To Recommit:

Any Senator may make a motion to recommit when he has been recognized and another Senator may make a motion to table that motion to recommit.[132]

A substitute motion of instructions for a motion to recommit a bill with instructions may be laid on the table without affecting the original motion.[133]

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[128] May 13, 1930, 71-2, *Record*, pp. 8841-43.
[129] *See* Feb. 20, 1986, 99-2, *Record*, p. 2523.
[130] *See* Oct. 16, 1951, 82-1, *Record*, p. 13234.
[131] June 25 and 26, 1914, 63-2, *Record*, pp. 11116-17, 11166-72.
[132] *See* Mar. 25, 1970, 91-2, *Record*, p. 9281.
[133] *See* May 20, 1949, 81-1, *Record*, p. 6524.

A motion to commit a measure to committee with instructions, to which instructions are pending amendments on which the yeas and nays had been ordered, is subject to a motion to table.[134]

Third Reading, Bill Then Recommitted:

The Senate having refused to order the third reading of a bill, the vote was subsequently reconsidered and the bill recommitted.[135]

Unanimous Consent Agreement—Recommit:

A unanimous consent agreement that provides for a vote on a matter at a time certain precludes a motion to recommit that matter, unless the agreement specifies to the contrary.[136]

When the Senate is considering an amendment under a time agreement, a motion to recommit the bill to which the amendment is pending is not in order until the time on the amendment has expired.[137]

Vote on, May Not Be Interrupted:

After a roll call has begun on a motion to recommit with instructions, it is not in order to demand a division of the question.[138]

Withdrawal of Motion To Recommit:

A Senator has a right to withdraw a motion to recommit a bill until the Senate has taken some action thereon.[139]

If a motion to recommit a bill is withdrawn, it may be reoffered prior to the passage of the bill.[140]

The withdrawal of a motion to recommit a bill carries with it a substitute motion therefor.[141]

Less than a quorum having voted on a motion to recommit a bill with instructions, upon the appearance of a

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[134] July 30, 1986, 99-2, *Record*, p. 18056.
[135] May 4 and 5, 1910, 61-2, *Journal*, pp. 338, 342, *Record*, pp. 5768, 5820.
[136] Apr. 7, 1983, 98-1, *Record*, p. 7764.
[137] Nov. 13, 1980, 96-2, *Record*, p. 29482.
[138] *See* May 19, 1952, 82-2, *Record*, p. 5426.
[139] *See* Aug. 8, 1966, 89-2, *Record*, p. 18598.
[140] *See* July 31, 1937, 75-1, *Record*, p. 7947; Aug. 8, 1966, 89-2, *Record*, p. 18598.
[141] June 5, 1952, 82-2, *Record*, p. 6610.

quorum following a call of the Senate, the motion to recommit was withdrawn by unanimous consent.[142]

Pending a quorum call, it is not in order to withdraw a motion to recommit unless the quorum call is first withdrawn.[143]

If the yeas and nays have been ordered on a motion to recommit, it can be withdrawn only by unanimous consent.[144]

A motion to recommit on which the yeas and nays were first ordered and then vitiated may be withdrawn by the mover thereof as a matter of right.[145]

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[142] Dec. 17, 1910, 61-3, *Record*, pp. 433-34.
[143] May 14, 1952, 82-2, *Record*, p. 5184.
[144] *See* June 19, 1956, 84-2, *Record*, p. 10587; Mar. 27, 1956, 84-2, *Record*, p. 5656.
[145] July 28, 1983, 98-1, *Record*, p. 21336.