

December 23, 2020

The Honorable Jim McGovern
Chairman
House Committee on Rules
House of Representatives
H-312 The Capitol
Washington, D.C. 20515

Dear Chair McGovern:

As you prepare the rules package for the 117th Congress, we urge you to eliminate the motion to recommit (MTR) with instructions.

While the MTR with instructions may have originally been established as a tool for the minority party to amend a bill before final consideration, the process has strayed far from that intent. The MTR is now used as an opportunity to score “poison pill” points, often offered by Members who do not support the underlying legislation. In fact, the Republican minority in the 116th Congress was less likely to support a bill after an MTR with instructions was adopted.¹ The minority has used MTRs to provide fuel for campaign ads and partisan attacks rather than substantive debate.

Repeatedly, the instructions in MTRs have targeted immigrants, reproductive health care, and historically disadvantaged communities. For example, on the Bipartisan Background Checks Act (H.R. 8), a Republican member offered an MTR that would require notification to Immigration and Customs Enforcement if an undocumented immigrant attempted to buy a gun, an unnecessary amendment grounded in xenophobia. After the MTR was adopted, all but eight Republicans who voted for the MTR voted against the bill.

The MTR with instructions has also been used in an attempt to derail consideration of important legislation, such as the American Dream and Promise Act of 2019 (H.R. 6). The MTR proposed would have blocked the bill by adding criminalizing language incompatible with the intent of the legislation. Thankfully it was defeated, though narrowly. With a closely divided House in the 117th Congress, the risk for obstructions through MTRs is even higher.

¹ Matt Hayward and Ricardo Pacheco. *Motions to Recommit in the 116th Congress*.

Congressional Progressive Caucus Center. December 2020.

<http://www.progressivecaucuscenter.org/s/Motions-to-Recommit-in-the-116th-Congress.pdf>

Moreover, these MTRs often divert debate from the underlying legislation. For instance, on the Protecting American Lungs and Reversing the Youth Tobacco Epidemic Act of 2020 (H.R. 2339), the MTR would have added anti-abortion language to a bill aimed at addressing the sale and safety of tobacco products to youth. MTRs like these, which stray far from the original intent of the underlying legislation, are thinly-veiled attempts to score political points rather than improve the original bill.

If the instructions are eliminated, the MTR would be a motion to send a bill back to committee. This would reduce partisan attacks on marginalized communities while preserving the minority's ability to express opposition before final passage. The reformed procedural motion would also improve the legislative process by preventing disruptive, last-minute amendments that Members of Congress and the public have no time to properly consider. By contrast, other pending proposals for reform, such as raising the threshold of adoption from a simple majority to a two-thirds vote, do little to defend against harmful MTRs and would, in fact, encourage further partisan disruptions on the House floor.

Our country is battling a deadly pandemic that has wreaked havoc on our lives -- a staggering number of people have lost jobs, are experiencing homelessness and food insecurity, and are struggling to survive. The pandemic has already claimed the lives of over 300,000 people living in America. The challenge of passing legislation to meet our current crises is great enough without entertaining procedural motions offered in bad faith. To improve the legislative process and protect historically marginalized communities from cynical political attacks, we call for the exclusion of the MTR with instructions from the House Rules for the 117th Congress.

Sincerely,

Advocates for Youth
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Institute on Gender-Based Violence
Bend the Arc: Jewish Action
Black Immigrant Collective of Minnesota
Common Defense
Community Change Action
Economic Policy Institute
Friends of the Earth U.S.
In Our Own Voice: National Black Women's Reproductive Justice Agenda
Ipas
Justice Democrats
Marked By COVID
National Coalition Against Domestic Violence

National Council of Jewish Women
National Domestic Violence Hotline
National Employment Law Project
National Partnership for Women & Families
National Women's Health Network
National Women's Law Center
Our Revolution
Paid Leave for All
Physicians for Reproductive Health
Power to Decide
Progressive Leadership Alliance of Nevada
Public Citizen
RootsAction.org
Social Security Works
Sunrise Movement
UltraViolet
United We Dream
Voices for Progress