



Talking Points on the Motion to Recommit Changes in the Majority's Opening Day Rules Package

SUBSTANCE:

The Majority's rules package would prohibit the inclusion of "promptly" instructions in a motion to recommit. Such instructions are one of the few ways Republicans currently can express their views on legislation brought to the Floor. But now, despite an expanded majority, House Democratic leaders are proposing the draconian step of removing this modest ability of the Minority to express dissent and propose policy alternatives.

WHY THE CHANGE MATTERS:

- It makes it easier for the Majority to raise taxes.
- It forces Republicans to abide by PAYGO, even when the Majority does not.
- It forces tax increases to prevent tax increases
- It prevents consideration of additional tax relief
- It severely limits the democratic process and openness of the House

HOW SUCH MOTIONS ARE USED BY THE WAYS AND MEANS COMMITTEE:

Under the rules of the just-completed 110th Congress, Motions to Recommit Promptly were not subject to paygo rules. This technical procedure allows the minority to express its opposition to specific legislation, for example by instructing the Committee that reported the bill to remove tax hikes or excessive spending before the House passes the measure.

Thus, Republicans used these motions during the 110th Congress to strike Democrats' tax increases (e.g., on bills extending the AMT patch) or to offer additional tax cuts (e.g, extending marriage penalty relief).

IMPACT OF PROPOSED CHANGE:

If this change passes, Republicans would be largely prevented from using the motion to recommit to highlight differences between the parties on taxes, because only those Motions to Instruct that comply with paygo would be allowed, even if paygo requirements are waived for the underlying bill. Current paygo rules contain a bias in favor of higher taxes. This Rules change exacerbates that pro-tax bias by allowing the House Leadership to shield its Members from having to even consider other alternatives.

ARGUMENTS AGAINST THE PROPOSED CHANGE:

- ***THE CHANGE MAKES IT EASIER TO RAISE TAXES:***
 - In the past two years, if Democrats brought forward a bill with higher taxes, House Republicans could make a motion to strike the tax increase.
 - Historically, such a motion had to also send the bill back to its original committee for further consideration.
 - In the 110th Congress, Republicans routinely offered motions to recommit to strike tax increases. These motions often attracted the support of a handful of Democrats and put all Members on record as to whether or not they supported a particular tax increase.
 - By prohibiting Republicans from offering a motion that sends a bill back to committee, the Majority will prevent Republicans from seeking to strip their growth-stifling tax increases.
 - Tax increases will now be protected from separate votes; Democrats will be able to avoid even having to vote on their tax increases.

- ***UNEQUAL, UNFAIR APPLICATION OF PAYGO:***
 - The Rules change would require all motions to recommit with instructions comply with paygo, even if the underlying bill does not.
 - Thus, the change prevents consideration of spending and tax proposals that don't adhere to the Democrats' paygo worldview, a misguided vision which holds that we can't have any tax cuts unless we raise some other taxes.
 - If paygo were applied consistently, the Majority could argue that it is only fair to make the Minority adhere to the same rules. But in reality, the Majority is putting Republicans in a procedural straight-jacket that they themselves frequently ignore. In the 110th Congress, the Majority waived paygo many times, including on such bills as the AMT patch; the 2008 stimulus bill; the Emergency Economic Stabilization Act (TARP); legislation providing extended unemployment benefits; the housing relief bill; legislation providing expanded GI benefits; and the Big Three bailout bill.
 - The application of this change to the upcoming stimulus bill demonstrates its absurdity. If the Majority brings to the Floor a \$775 billion stimulus bill this month and waives paygo to permit its consideration as has been widely reported, a Republican motion to recommit that spent only \$500 billion could not be offered unless it was fully offset under paygo.¹ Put simply, Democrats don't have to pay

¹ Debate on H.R. 1, a bill implementing the recommendations of the 9/11 Commission Report, featured this revealing exchange between the Speaker and Mr. Hensarling of Texas:

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry. Does the special order provide for the consideration of any amendments?

The SPEAKER pro tempore. By way of a motion to recommit.

Mr. HENSARLING. Mr. Speaker, I have a further parliamentary inquiry. Does the special order treat the minority's right to offer a motion to recommit in the same manner as the bill itself by waiving all points of

for their stimulus bill, Republicans would have to pay for ours. It is true that the Rules change allows the Majority to designate a bill as being in response to an “emergency,” thereby exempting the measure, and any amendments offered to it, from paygo. But that provides little comfort, since the Majority has full discretion to invoke this designation whenever it is convenient for them.

- ***FORCES TAX INCREASES TO PREVENT A TAX INCREASE:***
 - In the 110th Congress, House Republicans insisted that government should not have to raise taxes on one group to prevent others from seeing a tax increase caused by the expiration of current law, such as the AMT patch.
 - To drive that point home, Republicans offered numerous Motions to Recommit to extend current tax relief without raising taxes on others.
 - These motions helped shape the debate and led to the eventual passage of tax extensions without offsets.
 - By taking away the Motion to Recommit Promptly with instructions, the Majority will prevent that legitimate – and ultimately enacted – policy from being debated on the House Floor.

- ***PREVENTS CONSIDERATION OF ADDITIONAL TAX RELIEF***
 - On several occasions in the 110th Congress, Republicans offered motions to instruct that called for the appropriate committee to report the bill back to the House with additional tax relief, like extending marriage penalty relief or the enhanced child tax credit.
 - These are important tax relief items with broad support in Congress and among the American public; the Motion to Recommit promptly with instructions allowed them to be debated by the Congress.
 - By changing House rules, the Majority will force any such motion to be paygo compliant, thus preventing Republicans from seeking to debate tax issues the majority would rather not see the light of day.

- ***SOLVES A PROBLEM THAT DOES NOT EXIST:***
 - According to Leader Hoyer, the concern is that the Minority is using these Motions to Instruct as a means to kill otherwise popular bills.
 - A review of the record shows that not a single “promptly” MTR passed in the 110th Congress.
 - The problem they are really “solving” is that Members of the Majority don’t like taking votes on proposals to provide more tax relief or to strike the tax increases

order again, including the much advertised new pay-as-you-go point of order against the motion to recommit?

The SPEAKER pro tempore. The motion to recommit is admissible. No waivers are provided for such motion.

(Source: Congressional Record, January 9, 2007).

that their Leadership is forcing on them.

- **LIMITS DEMOCRATIC PROCESS IN THE HOUSE:**
 - Contrary to the assertions of the Majority, even if a Motion to Recommit promptly were to pass, it would not “kill” the bill.
 - Rather, it would send it back to the Committee of jurisdiction to make appropriate changes and then report the bill back to the House.
 - The House would thus have ample opportunity to consider the bill, with or without modifications as reported by the Committee of jurisdiction, at some later date.
 - Save for speeding passage of emergency bills – something that Members of both parties always work hard to ensure -- it is hard to imagine why this trampling of democracy to prevent a bill from going back to the Committee for review is really necessary.

- **SPECIFIC USES OF THE PROMPTLY MOTION TO RECOMMIT BY W&M REPUBLICANS IN THE 110th CONGRESS. WHERE IS THE ABUSE???**

Bill Number	Description	What the MTR Sought
H.R. 3056	Tax Collection Changes	Provide additional tax relief via permanent estate tax repeal.
H.R. 3648	Mortgage Debt Forgiveness	Strike the tax increases.
H.R. 2419	Farm Bill	Strike the tax increases (offered by Mr. Goodlatte).
H.R. 5351	Renewable Energy Bill	Strike objectionable tax increases and other objectionable provisions, including one identified by the Joint Tax Committee as a tax earmark; provide additional tax relief by extending marriage penalty relief and the enhanced child tax credit.
H.R. 5719	Taxpayer Assistance Act	Direct IRS to ensure illegal aliens do not receive Earned Income Tax Credit and prevent self-declared “sanctuary cities” from issuing debt exempt from federal tax.
H.R. 6049	Energy Tax Incentives	Strike the tax increases and provide additional tax relief, including the AMT patch and a longer extension of other expiring tax provisions.
H.R. 6275	AMT Patch	Strike the tax increases and provide for additional tax relief for the charitable use of a vehicle.

###