

§ 2. Discharging Particular Committees

Committee on Agriculture

§ 2.1 The House has agreed to a motion to discharge the Committee on Agriculture from further consideration of a bill.

On Apr. 26, 1948,⁽²⁰⁾ Mr. L. Mendel Rivers, of South Carolina, called up, pursuant to Rule XXVII clause 4, the motion to discharge the Committee on Agriculture from further consideration of a bill⁽²¹⁾ repealing the tax on oleomargarine. Debate on the motion ensued, at the conclusion of which, the motion was agreed to—yeas 235, nays 121.

Committee on Banking and Currency

§ 2.2 The House has agreed to a motion to discharge the Committee on Banking and Currency from further consideration of a bill.

On Dec. 13, 1943,⁽²²⁾ Mr. Wesley E. Disney, of Oklahoma, called up,

20. 94 CONG. REC. 4835–41, 80th Cong. 2d Sess. See 94 CONG. REC. 4078, 80th Cong. 2d Sess., Apr. 2, 1948, where the motion to discharge the Committee on Agriculture received the requisite number of signatures.

21. H.R. 2245.

22. 89 CONG. REC. 10605, 10607, 10608, 78th Cong. 1st Sess.

pursuant to Rule XXVII clause 4, a motion to discharge the Committee on Banking and Currency from further consideration of a bill⁽²³⁾ transferring certain price administration functions with respect to petroleum and petroleum products to the Petroleum Administrator for War. Following debate, the motion was agreed to—yeas 247, nays 71, not voting 111.

Committee on the Judiciary

§ 2.3 The House has agreed to a motion to discharge the Committee on the Judiciary from further consideration of a joint resolution proposing an amendment to the Constitution.

On Nov. 8, 1971,⁽²⁴⁾ Mr. Chalmers P. Wylie, of Ohio, called up, pursuant to Rule XXVII clause 4, a motion to discharge the Committee on the Judiciary from further consideration of a House joint resolution⁽²⁵⁾ proposing an amend-

23. H.R. 2887.

24. 117 CONG. REC. 39885–89, 92d Cong. 1st Sess. For a further example, see 116 CONG. REC. 27999, 28004, 91st Cong. 2d Sess., Aug. 10, 1970, where the Committee on the Judiciary was discharged from further consideration of H.J. Res. 264, proposing an amendment to the Constitution relative to equal rights for men and women.

25. H.J. Res. 191.

ment to the U.S. Constitution relative to the offering of prayer in public buildings. Following some debate, the motion was agreed to—yeas 242, nays 156, not voting 33.

Committee on Rules

§ 2.4 On several occasions, the House has agreed to a motion to discharge the Committee on Rules from further consideration of a resolution making in order consideration of a bill.

On Sept. 27, 1965,⁽²⁶⁾ Mr. Abraham J. Multer, of New York,

26. 111 CONG. REC. 25180–85, 89th Cong. 1st Sess. See also 111 CONG. REC. 22900, 89th Cong. 1st Sess., Sept. 3, 1965, where the motion to discharge the Committee on Rules received the requisite number of signatures. For additional examples see 106 CONG. REC. 12691, 12720, 86th Cong. 2d Sess., June 15, 1960, where the Committee on Rules was discharged from further consideration of a resolution, H. Res. 537, providing for the consideration of the bill H.R. 9883, adjusting rates of compensation for officers and employees of the federal government, and 103 CONG. REC. 12332, 12334, 12335, 85th Cong. 1st Sess., July 22, 1957, where the Committee on Rules was discharged from further consideration of a resolution, H. Res. 249, providing for the consideration of the bill, H.R. 2474, increasing rates of basic compensation of officers and

called up, pursuant to Rule XXVII clause 4, a motion to discharge the Committee on Rules from further consideration of a resolution⁽²⁷⁾ making in order a “home rule” bill⁽²⁸⁾ pending before the Committee on the District of Columbia. Following debate, the motion was agreed to—yeas 213, nays 183, not voting 36.

§ 2.5 The House refused to discharge the Committee on Rules from further consideration of a resolution making in order consideration of a House joint resolution.

On Jan. 10, 1938,⁽²⁹⁾ Mr. Louis Ludlow, of Indiana, called up, pursuant to Rule XXVII clause 4, a motion to discharge the Committee on Rules from further consideration of a resolution⁽¹⁾ making in order consideration of a House joint resolution⁽²⁾ proposing an amendment to the U.S. Constitution requiring a referendum on war. After debate on the motion to discharge, the motion was rejected—yeas 188, nays 209.

§ 2.6 The Committee on Rules, under Rule XXVII clause 4,

employees in the field service of the Post Office Department.

27. H. Res. 515.

28. H.R. 4644.

29. 83 CONG. REC. 276–282, 75th Cong. 3d Sess.

1. H. Res. 165.

2. 2. H.J. Res. 199.

may not be discharged from the further consideration of a resolution providing for the appointment of a committee to investigate.

On Apr. 23, 1934,⁽³⁾ Speaker Henry T. Rainey, of Illinois, responded to a parliamentary inquiry relating to the applicability of the discharge rule to certain types of resolutions, described below, under consideration in the Committee on Rules. Finding that the language of the discharge rule,⁽⁴⁾ which was specific in nature, did not expressly permit motions to discharge the Committee on Rules from consideration of the kind of resolution in question, the Speaker indicated such a motion would not be in order. The proceedings were as follows:

MR. [OSCAR] DE PRIEST [of Illinois]: . . . On the 24th day of January I filed a resolution in the House. At the expiration of 30 legislative days I prepared a petition to discharge the committee, and laid it on the desk. I subsequently received the necessary 145 signatures on the 23d day of March. After that the Committee on Rules reported the bill out favorably, and I am glad they did. Under the ruling of the Chair today, if my interpretation is correct, it is impossible to call up this resolution on the Discharge Calendar? . . .

3. 78 CONG. REC. 7161-63, 73d Cong. 2d Sess.

4. See Rule XXVII clause 4, *House Rules and Manual* §908 (1979).

MR. [JOHN J.] O'CONNOR [of New York]: . . . The gentlemen from Illinois [Mr. De Priest] introduced a resolution which was referred to the Rules Committee. It could not have been first referred to any other committee, because that resolution provided for the setting up of a special committee to investigate a certain alleged situation in connection with the conduct of the House restaurant. While his resolution was pending in the Rules Committee, the gentleman filed a petition to discharge that committee, and obtained the necessary 145 signatures. Thereafter the Rules Committee favorably reported the resolution to the House. . . .

Under the rules the Rules Committee can only be discharged from consideration of either a "special order of business or a special rule for the consideration of any public bill or resolution reported by a committee." The gentleman's resolution was a mere "House resolution", which he could not have brought up on a "discharge day". . . .

THE SPEAKER: The Chair is ready to answer the parliamentary inquiry submitted by the gentleman from Illinois.

The resolution introduced by the gentleman from Illinois reads:

That a committee of five Members of the House be appointed by the Speaker to investigate by what authority the Committee on Accounts controls and manages the conduct of the House restaurant and by what authority said committee or any members thereof issued and enforced rules or instructions whereby any citizen of the United States is discriminated against on account of race, color, or creed in said House restaurant—

And so forth. The discharge rule we are considering this morning provides very specifically, as follows:

Under this rule it shall also be in order for a Member to file a motion to discharge the Committee on Rules from further consideration of any resolution providing either a special order of business, or a special rule for the consideration of any public bill or resolution favorably reported by a standing committee, or a special rule for the consideration of a public bill or resolution which has remained in a standing committee 30 or more days without action.

The gentleman's resolution which the Chair has just read does not provide for a special order of business or a special rule for the consideration of any public bill or resolution favorably reported by a standing committee or a special rule for the consideration of a public bill or resolution, which has remained in a standing committee 30 or more days without action, and, therefore, a motion to discharge the Committee on Rules will not lie, in the judgment of the Chair, under the discharge rule.

Committee on Ways and Means

§ 2.7 The House has agreed to a motion to discharge the Committee on Ways and Means from further consideration of a bill.

On Jan. 13, 1936,⁽⁵⁾ Mr. Wright Patman, of Texas, moved, pursuant to Rule XXVII clause 4, to dis-

5. 80 CONG. REC. 336, 337, 74th Cong. 2d Sess.

charge the Committee on Ways and Means from the further consideration of a bill⁽⁶⁾ providing for the immediate payment to veterans of the face value of their adjusted service certificates and for controlled expansions of the currency. Following some debate, the motion was agreed to—yeas 228, nays 100.

§ 3. Calling Up Motion; Debate

Pursuant to the provisions of the rule,⁽⁷⁾ a motion to discharge which has been on the calendar at least seven days⁽⁸⁾ may be called up by a signatory thereof⁽⁹⁾ for consideration on the second and fourth Mondays of each month⁽¹⁰⁾ except during the last six days of any session of Congress.⁽¹¹⁾ Of course, the House may by unanimous consent make the consideration of such motions in order on another day.⁽¹²⁾

A motion not called up on the first eligible Monday is in order

6. H.R. 1.

7. Rule XXVII clause 4, *House Rules and Manual* §908 (1979).

8. See §3.1, *infra*.

9. See §3.6, *infra*.

10. See §3.2, *infra*.

11. See §3.3, *infra*.

12. See §3.5, *infra*.