

the motion, and the House shall proceed to its consideration in the manner herein provided *without intervening motion* except one motion to adjourn. [Emphasis added.]

Extensions of Remarks

§ 3.16 The Speaker may decline to recognize Members to extend their remarks where a discharge motion has been called up and is pending before the House.

On June 11, 1945,⁽¹⁶⁾ during the consideration, under Rule XXVII clause 4, of a motion to discharge the Committee on Rules from a resolution⁽¹⁷⁾ making in order consideration of a bill,⁽¹⁸⁾ Mr. John E. Rankin, of Mississippi, asked unanimous consent to extend his remarks at that point in the Record. Responding to the gentleman's request, the Speaker⁽¹⁹⁾ stated, "The Chair cannot recognize Members to extend their remarks until this matter has been disposed of."

16. 91 CONG. REC. 5892-96, 79th Cong. 1st Sess.

17. H. Res. 139.

18. H.R. 7, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers.

19. Sam Rayburn (Tex.).

§ 4. Consideration of Discharged Measures

Procedures relative to the consideration of discharged bills and resolutions are delineated by provisions of the discharge rule.⁽²⁰⁾ Following agreement to a motion to discharge the Committee on Rules from further consideration of any resolution pending before the committee, the House immediately votes on the adoption of the resolution,⁽¹⁾ the Speaker not entertaining any dilatory or other intervening motion⁽²⁾ except one motion to adjourn.

Should a motion prevail to discharge one of the standing committees of the House from any public bill or resolution pending before the committee, it is then in order for any Member who signed the motion to move to proceed to the immediate consideration thereof.⁽³⁾ If the motion for immediate consideration is adopted, the legislation is taken up under the general rules of the House.⁽⁴⁾ Where no motion is made providing for the measure's immediate consideration or should the

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

1. See § 4.1, *infra*.

2. See §§ 4.1, 4.2, *infra*.

3. See § 4.3, *infra*.

4. See §§ 4.4 and 4.6, *infra*.

House by vote decide against its consideration, the discharged measure is referred to its proper calendar.⁽⁵⁾

Consideration of Discharged Resolutions

§ 4.1 Following agreement to a motion to discharge the Committee on Rules from further consideration of a resolution providing a special order of business, the question immediately occurs, without debate or other intervening motion, on agreeing to the resolution.

On Sept. 27, 1965,⁽⁶⁾ the House agreed to a motion offered by Mr. Abraham J. Multer, of New York, to discharge the Committee on Rules from a resolution⁽⁷⁾ making in order the consideration of a certain bill.⁽⁸⁾ The resolution was then read to the House, whereupon, the Speaker⁽⁹⁾ put the question on agreeing to the resolution.

5. See § 4.7, *infra*.

6. 111 CONG. REC. 25180–85, 89th Cong 1st Sess. For an additional example, see 91 CONG. REC. 5896, 79th Cong. 1st Sess., June 11, 1945.

7. H. Res. 515.

8. H.R. 4644, providing for home rule for the District of Columbia.

9. John W. McCormack (Mass.).

The resolution was agreed to—yeas 223, nays 179, not voting 30.

Tabling Discharged Resolutions

§ 4.2 It is not in order to move to lay on the table a special-order resolution which had been taken from the Committee on Rules through the operation of a motion to discharge.

On June 11, 1945,⁽¹⁰⁾ during proceedings incident to the consideration by the House of a resolution⁽¹¹⁾ which had, pursuant to Rule XXVII clause 4, been discharged from the Committee on Rules, Mr. John E. Rankin, of Mississippi, made a motion that the resolution be laid on the table. Responding to the gentleman's motion the Speaker⁽¹²⁾ stated, "Under the rule, that motion is not in order."

Privilege of Motion to Consider Discharged Bill

§ 4.3 Following adoption of a motion to discharge a stand-

10. 91 CONG. REC. 5892–96, 79th Cong. 1st Sess.

11. H. Res. 139, providing for the consideration of the bill H.R. 7, making unlawful a poll tax as a prerequisite to voting in a primary or other election for national officers.

12. Sam Rayburn (Tex.).

ing committee from consideration of a public bill or resolution, the motion to proceed to the immediate consideration of the legislation is privileged, if made by a Member who signed the discharge petition, and is decided without debate.

On Nov. 8, 1971,⁽¹³⁾ following the adoption by the House of a motion⁽¹⁴⁾ offered by Mr. Chalmers P. Wylie, of Ohio, to discharge the Committee on the Judiciary from further consideration of a House joint resolution,⁽¹⁵⁾ Mr. Wylie moved, pursuant to Rule XXVII clause 4, that the House proceed to the immediate consideration of the resolution. Thereupon, without debate, the motion was considered and agreed to.

Parliamentarian's Note: A joint resolution proposing a constitutional amendment does not require consideration in Committee of the Whole, and therefore consideration in the House was proper under the general rules of the House.

13. 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.

14. Identified as motion No. 1.

15. H.J. Res. 191, proposing an amendment to the Constitution relative to nondenominational prayer in public buildings.

Consideration of Discharged Measure in Committee of the Whole

§ 4.4 After the agreement by the House to a motion to discharge a bill from a committee, the Speaker entertains a motion to go into the Committee of the Whole for the consideration of the bill if the bill requires such consideration under the general rules of the House.

On Apr. 26, 1948,⁽¹⁶⁾ following the agreement by the House to a motion to discharge the Committee on Agriculture from further consideration of a bill,⁽¹⁷⁾ the Speaker⁽¹⁸⁾ made an announcement to the House:

ANNOUNCEMENT

THE SPEAKER: Without interfering with the rights of the gentleman from South Carolina to move to go into the Committee of the Whole, the Chair will entertain consent requests for extensions of remarks only.

After the extension of remarks on the part of several Members, Mr. L. Mendel Rivers, of South Carolina, moved that the House resolve itself into the Committee

16. 94 CONG. REC. 4835, 4841, 4842, 80th Cong. 2d Sess.

17. H.R. 2245, repealing the tax on oleo-margarine.

18. Joseph W. Martin, Jr. (Mass.).

of the Whole House on the state of the Union for the consideration of the discharged bill. The motion was agreed to.

§ 4.5 The Speaker has announced that without interfering with the rights of a Member to move to go into the Committee of the Whole for the consideration of a bill before the House as a result of a motion to discharge, he would entertain consent requests for extensions of remarks only.

On Apr. 26, 1948,⁽¹⁹⁾ Mr. L. Mendel Rivers, of South Carolina, called up a motion to discharge the Committee on Agriculture from the further consideration of a bill. Following the agreement by the House to the motion, Speaker Joseph W. Martin, Jr., of Massachusetts, made an announcement to the House:⁽²⁰⁾

ANNOUNCEMENT

THE SPEAKER: Without interfering with the rights of the gentleman from South Carolina to move to go into the Committee of the Whole, the Chair will entertain consent requests for extensions of remarks only.

After entertaining several requests for extensions of remarks,

19. 94 CONG. REC. 4835, 80th Cong. 2d Sess.

20. *Id.* at p. 4841.

the Speaker recognized Mr. Rivers to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the discharged bill. The motion was agreed to.⁽²¹⁾

Hour Rule on Debate

§ 4.6 Where a measure not requiring consideration in Committee of the Whole is before the House pursuant to a motion to discharge, the Member who made the motion for its immediate consideration is recognized in the House under the hour rule.

On Aug. 10, 1970,⁽²²⁾ following the agreement by the House to motions offered by Mrs. Martha W. Griffiths, of Michigan, discharging the Committee on the Judiciary from further consideration of a House joint resolution⁽²³⁾ and providing for the resolution's immediate consideration by the House, the Speaker⁽²⁴⁾ recognized Mrs. Griffiths for one hour of debate on the measure.

21. *Id.* at p. 4842.

22. 116 CONG. REC. 27999, 28004, 91st Cong. 2d Sess.

23. H.J. Res. 264, proposing an amendment to the Constitution relative to equal rights for men and women.

24. John W. McCormack (Mass.).

Referral of Discharged Bills

§ 4.7 Where a committee is discharged from the further consideration of a bill and no motion is made providing for the immediate consideration of such bill, the Speaker refers the bill to its appropriate calendar.

On Jan. 13, 1936,⁽²⁵⁾ following the agreement by the House to a motion to discharge the Committee on Ways and Means from the further consideration of a bill,⁽²⁶⁾ Mr. Hamilton Fish, Jr., of New York, propounded a parliamentary inquiry:

MR. FISH: Under the rule, when a committee is discharged from the consideration of a bill, does not the bill automatically come up for consideration in the House?

THE SPEAKER:⁽¹⁾ It does not, except on motion of a Member who signed the discharge petition.

The bill will be referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

25. 80 CONG. REC. 336, 337, 74th Cong. 2d Sess.

26. H.R. 1, providing for the immediate cash payment of certain service certificates.

1. Joseph W. Byrns (Tenn.).

§ 5. Discharge of Vetoed Bills, Other Questions Privileged Under the Constitution, Resolutions of Inquiry, and Reorganization Plans

The Constitution⁽²⁾ provides that when the President returns a bill to the House in which it originated, with his objections, that House shall proceed to reconsider it and determine whether the bill shall be again passed, the objections of the President to the contrary notwithstanding. Under this provision, it has been held that a motion to discharge a committee from the further consideration of a vetoed bill so returned to the House presents a question of constitutional privilege and is, therefore, in order at any time.⁽³⁾ While the ordinary motion to discharge a committee from consideration of an unprivileged legislative proposition is not privileged,⁽⁴⁾ it is in order to move to discharge a committee from consideration of a proposition referred through the hopper, involving a question of constitutional privilege such as the right of a Member to his seat,

2. U.S. Const. art. I § 7, clause 2.

3. See § 5.1, *infra*. See also Ch. 13, *supra*.

4. 8 Cannon's Precedents § 2316.