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DISCHARGE OF COMMITTEES

There is no specific provision in the standing rules of the Senate providing for a definite procedure for the discharge of its committees from further consideration of the matters referred to them. Such a motion is stipulated in Rule XVII, which must lie over 1 day for consideration, but the procedure therefor is not prescribed.

Under the practices and precedents, committees are frequently discharged by unanimous consent, but if a Senator resorts to making a motion to discharge, it may be reduced to a "resolve" and thereby becomes a resolution. Through this process, once such a resolution is submitted and a request for its immediate consideration is objected to, the resolution, under Rule XIV, goes "over under the rule" for which there has been established a definite procedure (*see* "Over Under the Rule," pp. 957–967).

Rule XVII, Paragraph 4 (a)

[Motions To Discharge]

All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

Coupling of Motions Not in Order:

In 1957 the Vice President held that a combined motion to discharge a committee and make a bill a pending order of business was in violation of the rules.[1]

Debate of Motions:

See "Discharge a Committee, Debate On Motion or Resolution To," p. 738.

Discharge Motions, Presentation of:

A resolution or motion to discharge a committee from the consideration of a subject and that the Senate proceed to its consideration is a coupling of motions and is not in

[1] June 20, 1957, 85-1, *Record*, pp. 9820–21.

order,[2] but a motion merely to discharge a committee from further consideration of matters referred to them, including bills and resolutions,[3] or nominations [4] is in order at the proper time.

In 1932, some 24 Senators petitioned the Committee on the Judiciary to report to the Senate resolutions pending before it dealing with the repeal of the 18th amendment, in order that a vote might be had on the question,[5] but the action had no parliamentary status.

A motion or resolution to discharge a committee from a matter may be submitted only under the order of presentation of other resolutions, except by unanimous consent, and not during the period for "reports of committees," [6] nor during the call of the Calendar under Rule VIII; [7] nor during the consideration of a different bill; [8] nor as a substitute for a motion to take up a bill.[9]

During the transaction of morning business, a resolution to discharge a committee from the further consideration of a bill, effective as of a certain date unless in the meantime such is reported by the committee, is in order.[10]

While the Senate is in executive session, a motion to discharge a committee made as in legislative session is not in order upon objection being made.[11]

A motion to proceed to the consideration of a bill is not subject to amendment by a motion to discharge a committee from the consideration of another bill and proceed to its consideration.[12]

A point of order will not lie against a motion to discharge a committee from the consideration of a resolution to continue the authority of an investigating committee because it has expired.[13]

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[2] Feb. 28, 1901, 56-2, *Journal*, p. 234, *Record*, p. 3190; June 14, 1910, 61-2, *Record*, p. 8041.

[3] June 14, 1910, 61-2, *Record*, p. 8041; Rule XXVI.

[4] June 7, 1934, 73-2, *Executive Journal*, p. 730; June 8, 1934, 73-2, *Executive Journal*, pp. 737-38; *see also* May 14, 1947, 80-1, *Record*, p. 5270.

[5] Mar. 22, 1932, 72-1, *Journal*, p. 345, *Record*, p. 6644.

[6] Sept. 30, 1976, 94-2, *Record*, p. 33885; Nov. 10, 1941, 77-1, *Record*, pp. 8701-03; Dec. 18, 1945, 79-1, *Record*, pp. 12236-37; May 27, 1902, 57-1, *Record*, p. 5954, 12236-37; May 27, 1902, 57-1, *Record*, p. 5954.

[7] May 28, 1934, 73-2, *Journal*, p. 453, *Record*, p. 9667; Apr. 10 and May 5, 1924, 68-1, *Journal*, pp. 265, 319, *Record*, p. 7835.

[8] May 24, 1928, 70-1, *Record*, p. 9678.

[9] Apr. 17, 1934, 73-2, *Journal*, p. 303.

[10] *See* Feb. 15, 1960, 86-2, *Record*, pp. 2495-96.

[11] Mar. 14, 1925, 69—Special Session, *Record*, p. 215.

[12] Apr. 17, 1934, 73-2, *Journal*, p. 303, *Record*, p. 6722.

[13] Feb. 5, 1945, 79-1, *Record*, pp. 785-87.

List of Case History:

For a list of precedents pertaining to the discharge of committees, *see* proceedings of Senate for August 26, 1959, 86-1, *Record*, pp. 16974, 16988-91.

Motions To Discharge Lie Over One Legislative Day:

Under Rule XVII, all reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over 1 day for consideration, unless by unanimous consent the Senate shall otherwise direct.[14]

Any motion or resolution to discharge a committee from further consideration of proposed legislation or nominations, when submitted, which is in order in the Morning Hour during the presentation of other resolutions, or if presented by unanimous consent,[15] goes over for 1 legislative day on objection to its immediate consideration,[16] and is treated as a resolution being laid before the Senate in the next Morning Hour,[17] following the order of submission of other resolutions.[18]

Privilege, Motion or Resolution Not Privileged:

A resolution to discharge a committee from further consideration of matters referred to it is not privileged and may be displaced by a majority vote.[19]

Unanimous Consent Agreement, Effect of on Discharge:

When a unanimous consent agreement specifies that the Senate will turn to the consideration of a bill immedi-

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[14] *See* footnotes 6, 7, 8 and 9 above.

[15] Dec. 18, 1945, 79-1, *Record*, pp. 12236-37; Rule VII, par. 1, now reads: "The submission of other resolutions."

[16] Rule VII; Apr. 14, 18, and 21, 1932, 72-1, *Journal*, pp. 395, 401, 414; Dec. 18, 1945, 79-1, *Record*, p. 12257; Nov. 10, 1941, 77-1, *Record*, pp. 8701-03; Mar. 4, 1938, 75-3, *Record*, p. 2799; June 7, 1934, 73-2, *Record*, p. 10706; Feb. 17, 1931, 71-3, *Journal*, p. 220, *Record*, p. 5130; May 27, 1902, 57-1, *Record*, p. 5954; Dec. 20, 1872, 42-3, *Journal*, p. 98; *see also* Feb. 15 and 16, 1960, 86-2, *Record*, pp. 2495-96, 2627-34; Mar. 8, 1955, 84-1, *Record*, p. 2515; July 27, 1942, 77-2, *Record*, p. 6639.

[17] Apr. 14, 18, and 21, 1932, 72-1, *Journal*, pp. 395, 401, 414; Dec. 19, 1945, 79-1, *Record*, p. 12309; Feb. 7, 1949, 81-1, *Record*, p. 831; *see also* Feb. 15, 1960, 86-2, *Record*, pp. 2495-96.

[18] Dec. 19, 1945, 79-1, *Record*, p. 12309; Feb. 7, 1949, 81-1, *Record*, p. 831.

[19] *See* Aug. 26, 1959, 86-1, *Record*, pp. 16974, 16988-91.

ately after the vote on another matter, if the bill is still in committee when that vote concludes, the bill is automatically discharged from the committee.[20]

When Committee Is Discharged, the Proposition Is Placed on the Calendar:

A bill or other matter from which a committee has been discharged is placed on the Calendar,[21] and can be taken up for consideration at that time or on that same day only by unanimous consent.[22]

When in Order To Consider a Motion To Discharge:

A motion to proceed to the consideration of a motion to discharge, entered on a preceding Calendar day, but in the same legislative day, is not in order since it has not lain over 1 legislative day.[23]

A motion or resolution which has gone over for 1 legislative day under the rule, is automatically laid before the Senate during the next Morning Hour following the order of submission of other resolutions as a part of the morning business [24] and if debated until the end of the Morning Hour,[25] or if in the form of a resolution and not disposed of at the expiration of the Morning Hour (two hours after the Senate convenes), is placed on the Calendar,[26] and is subject to a motion to proceed to its consideration.[27]

If the Senate recessed and unanimous consent was given to transact morning business generally, after a legislative day has expired, it would be in order to lay the resolution to discharge before the Senate during that period.[28]

If a motion to discharge a committee from a matter has gone over a legislative day and has been placed on the Calendar, a motion to proceed to its consideration after

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[20] Dec. 3, 1985, 99-1, *Record*, p. 33875.
[21] Apr. 24, 1924, 68-1, *Record*, p. 7003.
[22] Jan. 24, 1924, 68-1, *Record*, pp. 1391-92; *see also* June 6, 1924, 68-1, *Record*, p. 10993.
[23] May 13, 1922, 67-2, *Journal*, p. 238, *Record*, p. 6872.
[24] Mar. 28, 1914, 63-2, *Record*, p. 5653, Dec. 19, 1945, 79-1, *Record*, p. 12309; Feb. 7, 1949, 81-1, *Record*, p. 831; *see* Aug. 26, 1959, 86-1, *Record*, pp. 16974; 16988-91.
[25] Aug. 1, 1917, 65-1, *Journal*, p. 213, *Record*, pp. 5667, 5701.
[26] Dec. 19, 1945, 79-1, *Record*, p. 12311; *see also* Feb. 16, 1960, 86-2, *Record*, pp. 2627-34; Aug. 26, 1959, 86-1, *Record*, pp. 16974, 16988-91.
[27] *Ibid.*
[28] *See* Feb. 15, and 16, 1960, 86-2, *Record*, pp. 2495-96, 2627-34.

the end of the Morning Hour is in order, and debatable, and if agreed to, displaces the unfinished business.[29] If a resolution is taken up for consideration after the Morning Hour by unanimous consent, there is no limit on the debate.[30]

If a motion to discharge a committee is placed on the table by unanimous consent, a motion to take it up is likewise in order.[31]

A motion to proceed to the consideration of a motion previously entered to discharge a committee is not privileged.[32]

If the Senate fixes a specific day to consider a Senate resolution at the conclusion of the morning business, then pending before a committee, the committee upon the arrival of such time is discharged from its consideration and the resolution is before the Senate.[33]

In 1934, the Committee on Privileges and Elections, after hearings and consideration of the petitions and memorials referred to it concerning the right of Huey P. Long to a seat in the Senate, from the State of Louisiana, reported that no further action in the matter was warranted, and the committee, upon motion, was thereupon discharged.[34]

A resolution, coming over from a previous day, proposing to discharge a committee from a bill and that the Senate proceed to its consideration, upon a point of order being made, is not in order and cannot be modified, except by unanimous consent; the remedy would be to introduce a new resolution.[35]

DISORDERLY LANGUAGE

See "Disorderly Language, Use of, in Debate, and Restrictions on," pp. 738–742.

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[29] *See* Mar. 2, 1931, 71–3, *Record*, p. 6627.
[30] *See* Feb. 16, 1960, 86–2, *Record*, pp. 2627–34.
[31] May 26, 1939, 76–1, *Record*, p. 6203.
[32] *See* May 26, 1939, 76–1, *Record*, p. 6203.
[33] Apr. 22, 1924, 68–1, *Journal*, p. 289; May 6, 1924, 68–1, *Journal* p. 323, *Record*, pp. 7904–05.
[34] June 16, 1934, 73–2, *Journal*, p. 597, *Record*, p. 12015.
[35] Feb. 28, 1901, 56–2, *Journal*, p. 234, *Record*, p. 3190.

DISPLACEMENT OF PENDING BUSINESS

See "Displacement of Pending or Unfinished Business," pp. 664-669.

DIVISION OF PENDING QUESTION

See also "Division of Pending Question," pp. 54-57; "Action for Appointing Conferees," pp. 454-459.

Rule XV, Paragraph 3

[Amendments—Division of a Question]

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided; but the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert. But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

Divisible Questions

See also "Amendments to a Motion to Recommit," pp. 1107-1109; "Amendments, Divisible Questions," pp. 54-57; "Action for Appointing Conferees," pp. 454-459.

Under Rule XV, if the question in debate contains two or more propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.[1]

Under the rules and precedents, any Senator on demand may have any question before the Senate divided,

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[1] July 5, 1912, 62-2, *Record*, pp. 8657-58; Jan. 30, 1913, 62-3, *Journal*, p. 134; Nov. 30, 1971, 92-1, *Record*, pp, 43455-57, 43463; Jan. 18, 1967, 90-1, *Record*, p. 918; *see* May 19, 1971, 92-1, *Record*, p. 15962; June 15, 1967, 90-1, *Record*, pp. 16016-17; Oct. 17, 1972, 92-2, *Record*, p. 36855.