

## CHAPTER 18

# *Discharging Matters From Committees*

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## ***Discharging Matters From Committees***

### **§ 1. In General; Motion to Discharge**

The House, by rule, has made provisions for discharging matters from committees. Under Rule XXVII clause 4,<sup>(1)</sup> a Member may file with the Clerk a motion to discharge a committee from the consideration of a public bill or resolution referred to it 30 legislative days prior thereto. The rule may also be invoked to discharge a resolution pending in the Committee on Rules for more than seven legislative days providing for consideration of a measure favorably reported by a standing committee or pending before such committee for 30 legislative days.<sup>(2)</sup>

The primary purpose of the discharge petition is to extract from a committee, for House action, legislation opposed by a majority of the committee members or where a committee fails to act.

The motion must be in writing and signed by a majority of the Members, and this has been interpreted to mean that the motion requires the signatures of 218 Members of the House.<sup>(3)</sup> Dele-

gates may not sign a discharge petition. The signatures on the motion may not be made public until the requisite number of Members have signed it.<sup>(4)</sup> The death or resignation of a signatory of the motion does not invalidate his signature,<sup>(5)</sup> but for a Member elected in a special election to fill a vacancy to sign a petition, the signature of his predecessor must be removed.<sup>(6)</sup>

When the requisite number of signatures are obtained, the motion is entered on the Journal, printed with the signatures thereto in the *Congressional Record*, and referred to the Calendar of Motions to Discharge Committees.<sup>(7)</sup> A reported bill is no longer susceptible to the motion, though reported in the interval between completed signing of the petition and the calling up of the motion.<sup>(8)</sup>

placed in the discharge rule in the 69th Congress. Prior to that time, fewer signatures had been required on a discharge petition. For the history of the rule, see 7 Cannon's Precedents § 1007.

1. *House Rules and Manual* § 908 (1979).

2. See §§ 2.4, 2.5, *infra*.

3. See §§ 1.2, 1.3, *infra*. The requirement of "a majority of Members" was

4. See § 1.7, *infra*.

5. See § 1.5, *infra*.

6. See § 1.4, *infra*.

7. See § 1.9, *infra*.

8. See § 1.13, *infra*.

A motion to discharge a committee from further consideration of a bill

See Chapter 21 (Order of Business; Special Orders), § 16, for discussion on discharge by the Committee on Rules.

### ***Announcement of Filing of Motion***

#### **§ 1.1 A Member sometimes announces to the House the filing, pursuant to Rule XXVII clause 4, of a motion to discharge a committee.**

On June 17, 1952,<sup>(9)</sup> Mr. Paul W. Shafer, of Michigan, announced to the House his filing with the Clerk of a motion to discharge the Committee on the Judiciary from further consideration of a resolution proposing the impeachment of the President.

### ***Signatures on Motion***

#### **§ 1.2 A motion to discharge a committee from the further consideration of a bill was held to require the signa-**

or resolution operates, when agreed to, upon the bill or resolution as originally referred to the committee rather than as it may have been amended in the committee before the committee acted upon it adversely. 75 CONG. REC. 4705, 72d Cong. 1st Sess., Feb. 25, 1932.

9. 98 CONG. REC. 7424, 82d Cong. 2d Sess.

#### **tures of 218 Members of the House.**

On Apr. 15, 1936,<sup>(10)</sup> the Speaker<sup>(11)</sup> responded to a parliamentary inquiry of Mr. Gerald J. Boileau, of Wisconsin, relative to the number of signatures necessary to effectuate a petition under the discharge rule of the House:

. . . [T]he Chair is constrained to hold that under the "discharge rule" of the House, requiring "a majority of the total membership of the House", the exact number of 218 Members was intended, and is necessary before a discharge petition is effective, and no less number will suffice, irrespective of temporary vacancies due to death, resignation, or other causes.

#### **§ 1.3 The motion to discharge a pay raise bill was signed by the required number of Members.**

On June 3, 1960,<sup>(12)</sup> the following proceedings occurred:

MR. [JOHN W.] McCORMACK [of Massachusetts]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:<sup>(13)</sup> The gentleman will state it.

MR. McCORMACK: My inquiry is whether or not the discharge petition

10. 80 CONG. REC. 5509, 5510, 74th Cong. 2d Sess.

11. Joseph W. Byrns (Tenn.).

12. 106 CONG. REC. 11837, 86th Cong. 2d Sess.

13. Francis E. Walter (Pa.).

on the pay raise bill has received the required number of signatures, to wit, 219.

THE SPEAKER PRO TEMPORE: According to the Journal clerk the 219 signatures have been obtained.

*Parliamentarian's Note:* In the 86th Congress, the total membership of the House was 436 due to the election for the first time of a Representative from the newly admitted State of Alaska.

**§ 1.4 The death of a Member who had signed a discharge petition does not invalidate the signature, and such signature stands as the legislative act of such deceased Member unless withdrawn by his successor.**

On May 31, 1934,<sup>(14)</sup> Mr. Donald H. McLean, of New Jersey, attempted to sign a discharge petition when he was informed that, since a requisite number of Members (145) had already signed, additional signatures could not be affixed. Since one of the signatures on the petition was of a Member recently deceased (Mr. George F. Brumm, of Pennsylvania), Mr. McLean asked Speaker Henry T. Rainey, of Illinois, if the signature of the deceased was

valid. The following colloquy then took place:

MR. MCLEAN: I understand that one of the signers was that of the late Representative Brumm, of Pennsylvania, who died a few days ago. There is a question as to the effectiveness of his signature, and the question of the effectiveness of his signature is proper for consideration at this time.

THE SPEAKER: Under the rule no signature can be withdrawn except by the Member himself.

MR. MCLEAN: Does the Chair rule that the signature of Mr. Brumm must stand?

THE SPEAKER: The signature can only be removed by the Member, by Mr. Brumm himself, as a Representative of the Thirteenth District of Pennsylvania. When his successor is elected, in all probability his successor would have that right.

MR. MCLEAN: Then, Mr. Speaker, I understand that without my signature the petition is effective?

THE SPEAKER: The gentleman is correct, 145 names being now properly on it.

**§ 1.5 Where a motion to discharge a committee had been signed by a former Member, his successor, desiring to sign his own name, by unanimous consent had his predecessor's name removed.**

On Jan. 16, 1950,<sup>(15)</sup> the following colloquy occurred:

15. 96 CONG. REC. 436, 81st Cong. 2d Sess. For further examples, see: 94

14. 78 CONG. REC. 10159, 73d Cong. 2d Sess. In the 72d and 73d Congresses, only 145 signatures were required. See 7 Cannon's Precedents § 1007.

MR. [JOHN F.] SHELLEY [of California]: Mr. Speaker, my predecessor, the Honorable Richard J. Welch, signed Discharge Petition No. 15. I desire to have my name entered on this petition. I ask unanimous consent that his name be taken off the petition so that I may sign it.

THE SPEAKER:<sup>(16)</sup> Is there objection to the request of the gentleman from California?

There was no objection.

*Parliamentarian's Note:* Under the current practice, a Member elected to fill a vacancy may remove the name of his predecessor in order to affix his own name.

**§ 1.6 Where the name of a Member has been inadvertently removed from a discharge petition as printed in the Record, it may again be placed thereon by unanimous consent.**

On Apr. 18, 1946,<sup>(17)</sup> Mr. Lyndon B. Johnson, of Texas, propounded a unanimous-consent request:

Mr. Speaker, in the Record of yesterday, April 17, the Members who signed

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CONG. REC. 1993, 2001, 80th Cong. 2d Sess., Mar. 3, 1948; 92 CONG. REC. 10464-91, 79th Cong. 2d Sess., July 30, 1946; and 92 CONG. REC. 1968, 79th Cong. 2d Sess., Mar. 5, 1946.

16. Sam Rayburn (Tex.).

17. CONG. REC. (daily ed.), 79th Cong. 2d Sess.

discharge petition No. 20 have their names printed. I signed the petition, and my name appeared as the one hundred and ninetieth signature. The Journal clerk has informed me that through some error at the desk my name was eliminated. I ask unanimous consent that my name be restored to the petition and be printed in the permanent Record.

There was no objection to the request.

***Examination of Petition***

**§ 1.7 While a Member has the right to examine a discharge petition, he does not have the right to read to the House the names signed on such petition.**

On Mar. 15, 1946,<sup>(18)</sup> a point of order was raised against the request of Mr. John E. Rankin, of Mississippi, that the Clerk provide him with a discharge petition on the Clerk's desk:

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Speaker, a point of order.

THE SPEAKER:<sup>(19)</sup> The gentleman will state it.

MR. COCHRAN: As I understand the rules of the House, it is not permissible to give out anything contained in a petition on the Clerk's desk until the petition has the required number of signers. Then it automatically is printed in

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18. 92 CONG. REC. 2329, 79th Cong. 2d Sess.

19. Sam Rayburn (Tex.).



the Record with the signatures thereon.

THE SPEAKER: It is certainly a violation of the rules to do that.

MR. RANKIN: I have not given out anything. Do not get excited. I merely asked for the petition. I have a right to look at it, as a Member of the House.

THE SPEAKER: The gentleman has the right to look at it but he does not have the right to read any of the names on the petition.

*Parliamentarian's Note:* Only Members may examine the petition in the custody of the Journal clerk, while the House is in session, and they may not reveal the names of Members who have signed or not signed.

### ***Withdrawal of Petition***

#### **§ 1.8 By unanimous consent, a discharge petition filed with the Clerk has been withdrawn.**

On Mar. 28, 1939,<sup>(20)</sup> Mr. Hamilton Fish, Jr., of New York, asked for unanimous consent to withdraw a motion to discharge the Committee on Rules filed with the Clerk on a previous day. There was no objection to the request.

### ***Placing Motions on Calendar***

#### **§ 1.9 Motions to discharge committees are placed on the**

20. 84 CONG. REC. 3461, 76th Cong. 1st. Sess.

#### **calendar when they receive the requisite number of signatures.**

On Apr. 30, 1936,<sup>(21)</sup> Mr. Gerald J. Boileau, of Wisconsin, propounded a parliamentary inquiry as follows:

MR. BOILEAU: I am advised by the Clerk that 218 Members have signed the petition to discharge the Rules Committee from further consideration of the resolution bringing up the Frazier-Lemke bill for consideration on the floor. May I ask the Speaker whether or not the petition is now completed and the matter on the calendar?

THE SPEAKER:<sup>(22)</sup> The motion is now on the calendar under the rules of the House.

### ***Effect of Inter-session Adjournment***

#### **§ 1.10 A discharge petition on the Clerk's desk awaiting signatures carries over from session to session in the same Congress.**

On Dec. 19, 1945,<sup>(1)</sup> during House debate incident to the consideration of a House joint resolution<sup>(2)</sup> changing the date of meet-

21. 80 CONG. REC. 6464, 74th Cong. 2d Sess. For a further illustration see 82 CONG. REC. 1517, 75th Cong. 2d Sess., Dec. 14, 1937.

22. Joseph W. Byrns (Tenn.).

1. 91 CONG. REC. 12346, 79th Cong. 1st Sess.

2. H.J. Res. 294.

ing of the second session of the current Congress, Mr. John H. Folger, of North Carolina, addressed an inquiry to the Chair as follows:

MR. FOLGER: I have a discharge petition on the desk, No. 10, in which I am very, very much interested. I have no objection to this adjournment until the 14th [of January, 1946] unless I have to go back and get that signed anew. Will that carry over?

THE SPEAKER: <sup>(3)</sup> It will carry over.

MR. FOLGER: If it will I am all right.

THE SPEAKER: Everything remains on the calendar just as it is now.

### ***Bills Reported After Motion Has Been Placed on Calendar***

**§ 1.11 The motion to discharge a committee from the further consideration of a bill does not apply to a bill that has been reported by a committee during the interval between the placing of the motion to discharge on the calendar and the day when such motion is called up for action in the House.**

On Aug. 5, 1949,<sup>(4)</sup> the Committee on Post Office and Civil Service reported a bill <sup>(5)</sup> thus ren-

3. Sam Rayburn (Tex.).

4. 95 CONG. REC. 10878, 81st Cong. 1st Sess.

5. H.R. 4495, providing additional benefits for certain postmasters, officers,

dering ineffective a previously calendared motion to discharge the committee from further consideration of the bill.<sup>(6)</sup>

*Parliamentarian's Note:* A motion to discharge the Committee on Rules from further consideration of a resolution <sup>(7)</sup> making this bill a special order of business was subsequently signed by the requisite number of Members.<sup>(8)</sup> This resolution was reported by the Committee on Rules on Sept. 27, 1949,<sup>(9)</sup> before the motion could be called up for action in the House.

### ***21-day Rule Distinguished***

**§ 1.12 The discharge rule authorizes the use of the motion against the Committee on Rules in a proper case. However, the so-called "21-**

and employees in the postal field service.

6. See 95 CONG. REC. 9966, 81st Cong. 1st Sess., July 21, 1949, where the motion to discharge the Committee on Post Office and Civil Service received the requisite number of signatures.

7. H. Res. 319.

8. See 95 CONG. REC. 12103, 81st Cong. 1st Sess., Aug. 23, 1949, where the motion to discharge the Committee on Rules received the requisite number of signatures.

9. 95 CONG. REC. 13365, 81st Cong. 1st Sess.



day” rule, which was in effect in the 89th Congress, whereby resolutions pending before the Committee on Rules could be called up for consideration, on discharge calendar days, was held to be unrelated to the motion to discharge under Rule XXVII.

On Sept. 13, 1965,<sup>(10)</sup> after a House Resolution<sup>(11)</sup> was called up pursuant to Rule XI clause 23 (the 21-day rule), a point of order was raised by Mr. Durward G. Hall, of Missouri:

MR. HALL: Mr. Speaker, I make a point of order against the consideration of this bill by the House based on clause 4 of rule 27, the last line in section 908, the second paragraph, says:

Recognition for the motions shall be in the order in which they have been entered on the Journal.

Responding to the point of order, the Speaker<sup>(12)</sup> said:

The Chair will state that the gentleman is talking about an entirely different rule than is the situation now.

. . . .

The Chair would advise the gentleman from Missouri that the House is operating under Rule XI clause 23.

10. 111 CONG. REC. 23618, 89th Cong. 1st Sess.

11. H. Res. 478, providing for consideration of a bill, H.R. 9460, establishing a national foundation on the arts.

12. John W. McCormack (Mass.).

### *Validity of Committee Report as Affecting Eligibility for Discharge*

§ 1.13 Where the House had laid on the table a resolution presented as a question involving the privileges of the House challenging the validity of a committee’s action in reporting a bill, the Chair overruled a point of order that the bill was not properly before the House because it had not been read in committee prior to reporting. The discharge rule does not apply to a bill that has been reported by a committee during the interval between the placing of a completed motion to discharge on the calendar and the day when such motion is called up in the House.

On Apr. 23, 1934,<sup>(13)</sup> the Committee on Banking and Currency reported a bill, H.R. 7908,<sup>(14)</sup> for

13. 78 CONG. REC. 7151–61, 73d Cong. 2d Sess.

14. The bill concerned payments of assets in closed banks.

The Committee on Banking and Currency had first reported this bill on Apr. 12. The motion to discharge the committee received the requisite number of signatures on Apr. 13. On Apr. 20, by direction of the Speaker, the Committee of the Whole House

which a motion to discharge was pending on the Calendar of Motions to Discharge Committees. Despite the reporting of the measure by the Committee on Banking and Currency, Mr. Clarence J. McLeod, of Michigan, attempted to call up the motion to discharge the committee on H.R. 7908. It developed in the debate that Mr. McLeod and Mr. Jesse P. Wolcott, of Michigan, viewed the reporting of the bill by the committee as void *ab initio* on the grounds that the committee ordered the reporting of the measure at a time when it sat during a session of the House without the permission of the House and also because the measure reported was not read before the committee. In fact, argued the proponents of the discharge motion, the bill that was reported by the committee was a committee substitute, the text of the bill H.R. 9175, which the committee had inserted after striking

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on the state of the Union was discharged from further consideration of the bill; the Speaker held that the purported report on said bill was invalid in that the Committee on Banking and Currency had ordered the report made while the House was in session and that therefore the bill was still with the committee. The bill was again reported by the Committee on Banking and Currency on Apr. 23, as indicated above.

all after the enacting clause of the original bill which had been the subject of the discharge petition signed by the requisite number of Members.<sup>(15)</sup>

After the Speaker<sup>(16)</sup> sustained a point of order against the calling up of the motion to discharge the committee, on the basis that "inasmuch as the Committee on Banking and Currency has reported the bill, that the effect of that action nullifies the motion to discharge and makes it inoperative,"<sup>(17)</sup> Mr. Carroll L. Beedy, of Maine, raised a point of order against the bill as reported by the committee because it had never been read for amendment in the committee and was, he argued, not regularly before the House. Mr. Beedy stated:

Mr. Speaker, I make the point of order that the amendment to the McLeod bill, so called, was not introduced in the House until the 17th of April subsequent to the time when any bill of the kind was ever read for amendment in the committee. This fact is undenied.

The bill that was reported never was read for amendment in the committee.

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15. At that time, only 145 signatures were required on a discharge petition. Rule XXVII clause 4, House rules (1934).

16. Henry T. Rainey (Ill.).

17. 78 CONG. REC. 7161, 73d Cong. 2d Sess., Apr. 23, 1934.

It is not legally or validly upon the calendar of the House. While the decision of the Chair well presents the fact, assuming that the bill were legally before the House, the Chair has not touched upon the question as to whether it may be in order to call up the discharge rule if the bill attempted to be reported by the committee concerned was not regularly before the House, not having been considered according to the rules of the House.

Mr. Speaker, I make the point of order, therefore, that the bill alleged to have been reported is not legally reported, is in violation of the rules of the House and of the committees of the House, and has no valid standing in the House.

In overruling the point of order, the Speaker advised that he had no knowledge as to what had occurred in committee, stating:

THE SPEAKER: The House passed on that question a few moments ago in a resolution raising the question of the privileges of the House, and passed upon the question adversely to the position taken by the gentleman from Maine.

The Chair has no information as to what occurred in the committee. The only thing the Chair knows is that the McLeod bill, bearing the number it has always borne and with the same title, and with some amendments in which the Chair is not interested, has been reported out, is on the calendar, and can be taken up under the general rules of the House when an opportunity presents itself.

The Chair overrules the point of order.<sup>(18)</sup>

18. *Id.*

An appeal from the Speaker's ruling was laid on the table.<sup>(19)</sup>

*Parliamentarian's Note:* The point of order in the preceding precedent is probably based upon §412 of Jefferson's Manual, which had been mentioned earlier in the debate as requiring a reading for amendment of a bill in committee.

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Immediately prior to the calling up of the motion to discharge, the validity of the actions taken by the Committee on Banking and Currency leading up to the reporting of the bill on Apr. 23 had been called to the attention of the House. Mr. Beedy had submitted as a question of the privileges of the House a resolution, H. Res. 349, questioning whether the House should receive the report. The resolution stated certain events which occurred in the committee on Apr. 21 which were not in accordance with the rules of the House. Mr. John E. Rankin (Miss.) had made a point of order that the resolution did not present a question of the privileges of the House. Mr. Thomas L. Blanton (Tex.) made the further point of order that the resolution was an attempt to impeach the actions of the committee. The Speaker held that the resolution did present a question of privilege. The resolution was then laid on the table without debate.

19. See H. Jour. 431, 73d Cong. 2d Sess., Apr. 23, 1934.

## § 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,<sup>(20)</sup> 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<sup>(21)</sup> 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,<sup>(22)</sup> 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<sup>(23)</sup> 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,<sup>(24)</sup> 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<sup>(25)</sup> 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,<sup>(26)</sup> 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<sup>(27)</sup> making in order a “home rule” bill<sup>(28)</sup> 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,<sup>(29)</sup> 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<sup>(1)</sup> making in order consideration of a House joint resolution<sup>(2)</sup> 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,<sup>(3)</sup> 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,<sup>(4)</sup> 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,<sup>(5)</sup> 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<sup>(6)</sup> 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,<sup>(7)</sup> a motion to discharge which has been on the calendar at least seven days<sup>(8)</sup> may be called up by a signatory thereof<sup>(9)</sup> for consideration on the second and fourth Mondays of each month<sup>(10)</sup> except during the last six days of any session of Congress.<sup>(11)</sup> Of course, the House may by unanimous consent make the consideration of such motions in order on another day.<sup>(12)</sup>

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*.

for consideration on any subsequent eligible Monday.<sup>(13)</sup>

Debate on the motion is limited to 20 minutes—10 minutes under the control of the Member recognized to call up the motion and 10 minutes under the control of a Member recognized in opposition.<sup>(14)</sup> The proponents of a motion to discharge a committee have the right to close debate thereon.<sup>(15)</sup>

### ***Expiration of Seven Legislative Days***

#### **§ 3.1 Motions to discharge committees may be called up only after seven legislative days have expired since the time the motion was placed on the calendar.**

On Friday, Dec. 10, 1937,<sup>(16)</sup> Mr. Sam Rayburn, of Texas, propounded the following parliamentary inquiry:

MR. RAYBURN: Mr. Speaker, a parliamentary inquiry.

The Speaker:<sup>(17)</sup> The gentleman will state it.

MR. RAYBURN: Several Members during the last day or two have been asking me with reference to the discharge

petition which was signed up last week whether if we adjourn over tomorrow a sufficient number of legislative days will have intervened to make the wage-hour bill in order on Monday. I ask the Speaker if that is the fact?

THE SPEAKER: In reply to the inquiry of the gentleman from Texas, and in order to avoid confusion about a proper decision of this question if it should arise, the Chair quotes the following excerpt from the discharge rule:

When a majority of the total membership of the House shall have signed the motion it shall be entered on the Journal, printed with the signatures thereto in the Congressional Record, and referred to the Calendar of Motions to Discharge Committees.

On the second and fourth Mondays of each month, except during the last 6 days of any session of Congress, immediately after the approval of the Journal, any Member who has signed a motion to discharge which has been on the calendar at least 7 days prior thereto, and seeks recognition, shall be recognized for the purpose of calling up the motion; and the House shall proceed to its consideration in the manner herein provided without intervening motion except one motion to adjourn.

The petition to discharge the Committee on Rules from consideration of the rule involving the wage and hour bill was signed on December 2 [the preceding Thursday] by 218 Members of the House and immediately was referred to the Calendar of Motions to Discharge Committees under the rule the Chair has just read.

In answer to the inquiry of the gentleman from Texas the Chair holds that without any session of the House of Representatives tomorrow the 7 legislative days necessary in order to

13. See § 3.2, *infra*.

14. See §§ 3.9, 3.10, *infra*.

15. See § 3.13, *infra*.

16. 82 CONG. REC. 1300, 75th Cong. 2d Sess.

17. William B. Bankhead (Ala.).

make this matter in order on Monday next will have expired, and there is no question in the mind of the Chair that the rule will have been complied with if we do not meet tomorrow. If that question should be raised on Monday next, the Chair would so hold.

### ***Second and Fourth Mondays***

**§ 3.2 Motions to discharge committees may be called up on the second or fourth Monday of any month after they have been on the calendar for seven legislative days, and if they are not called up on the first eligible Monday they may be called up on any subsequent second or fourth Monday of a month.**

On Dec. 18, 1937,<sup>(18)</sup> the following parliamentary inquiry was raised:

MR. [SAMUEL B.] PETTENGILL [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:<sup>(19)</sup> The gentleman will state his parliamentary inquiry.

MR. PETTENGILL: Directing the Chair's attention to the Ludlow petition which now may be called up on the second Monday of next month, if it fails to be called up on that day, would it retain its privileged status on a subsequent second or fourth Monday?

18. 82 CONG. REC. 1847, 75th Cong. 2d Sess. For an additional example see 90 CONG. REC. 9, 78th Cong. 2d Sess., Jan. 10, 1944.

19. William B. Bankhead (Ala.).

THE SPEAKER: The status of the matter is that it is on the calendar of motions to discharge committees. If not called up on the first date on which it would be entitled to be called up, it remains on the calendar subject to further call on the second or fourth Mondays of a month.

### ***Call of Motion on Last Six Days of Session***

**§ 3.3 A motion to discharge a committee cannot be called up during the last six days of a session.**

On July 29, 1954,<sup>(20)</sup> the following parliamentary inquiry was raised:

MR. [HAROLD C.] HAGEN of Minnesota: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:<sup>(1)</sup> The gentleman will state it.

MR. HAGEN of Minnesota: Mr. Speaker, the inquiry is with reference to paragraph 908 of the rules of the House relative to a motion to discharge a committee. My question is, Is it possible during the last 6 days of the session after a motion to recess or adjourn sine die has been adopted by both Houses, to call up the bill H.R. 9245, the postal-pay bill, under the rules of the House?

THE SPEAKER: In response to the parliamentary inquiry of the gentleman, the Chair invites attention to

20. 100 CONG. REC. 12562, 83d Cong. 2d Sess.

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

the second paragraph of clause 4 of rule XXVII, which contains the following statement:

On the second and fourth Mondays of each month, except during the last 6 days of any session of Congress, immediately after the approval of the Journal, any Member who has signed a motion to discharge which has been on the calendar at least 7 days prior thereto, and seeks recognition, shall be recognized for the purpose of calling it up.

It seems perfectly clear to the Chair that the meaning of the rule is that when a motion has been on the calendar 7 legislative days a Member who signed the motion can call it up on the second or the fourth Monday, except when the second or fourth Monday comes during the last 6 days of a session. The exception then means that during the last 6 days of a session the motion cannot be called up at all.

### ***Precedence of Motion Over Unfinished Business***

**§ 3.4 A motion to discharge which has been on the Discharge Calendar for seven legislative days may be of higher privilege for consideration on the second and fourth Mondays of the month than unfinished business from a preceding day.**

On May 8, 1936,<sup>(2)</sup> during proceedings incident to the consideration of the unanimous-consent

2. 80 CONG. REC. 7010, 74th Cong. 2d Sess.

request of Mr. William B. Bankhead, of Alabama, that the House adjourn until the following Monday, Mr. Gerald J. Boileau, of Wisconsin, reserving the right to object, addressed an inquiry to the Chair.

MR. BOILEAU: . . . [W]ill the Speaker make the situation clear with reference to the legislative program for Monday?

As I understand it, it will be in order before we complete this bill<sup>(3)</sup> to take up the question of the discharge of the Rules Committee from further consideration of the Frazier-Lemke bill. I would like to ask the Speaker if my understanding is correct, if consideration of the discharge petition would come up before the vote on this bill?

THE SPEAKER:<sup>(4)</sup> The Chair thinks it would unless there is a previous understanding. The matter of which shall take precedence can be fixed by consent.

### ***Calling Up By Unanimous Consent***

**§ 3.5 By unanimous consent, a motion to discharge, which under Rule XXVII clause 4 would be eligible to be called up on a Monday, was made in order on a Wednesday.**

On June 8, 1960,<sup>(5)</sup> Mr. John W. McCormack, of Massachusetts,

3. H.R. 12624, deficiency appropriation bill.

4. Joseph W. Byrns (Tenn.).

5. 106 CONG. REC. 12120, 86th Cong. 2d Sess.

asked unanimous consent that motions in order under the discharge rule on the following Monday be postponed until the following Wednesday at which time they would be the first order of business. There was no objection to the gentleman's request.

### ***Who May Call Up Motion***

#### **§ 3.6 A Member who calls up a motion to discharge must qualify as having signed the discharge petition.**

On Aug. 10, 1970,<sup>(6)</sup> subsequent to the calling up, pursuant to Rule XXVII clause 4, by Mrs. Martha W. Griffiths, of Michigan, of a motion to discharge the Committee on the Judiciary from the further consideration of a House joint resolution,<sup>(7)</sup> the Speaker<sup>(8)</sup> sought to determine whether Mrs. Griffiths was in fact eligible to call up the motion:

THE SPEAKER: Did the gentlewoman sign the motion?

MRS. GRIFFITHS: Yes, Mr. Speaker, I signed the motion.

6. 116 CONG. REC. 27999, 91st Cong. 2d Sess. For additional examples see 117 CONG. REC. 39885, 92d Cong. 1st Sess., Nov. 8, 1971; and 111 CONG. REC. 25180, 89th Cong. 1st Sess., Sept. 27 1965.

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

8. John W. McCormack (Mass.).

THE SPEAKER: The gentlewoman qualifies.

### ***Quorum Call Preceding Recognition to Call Up Motion***

#### **§ 3.7 On one occasion, a quorum call occurred before the reading of the Journal, on a day when the calling up of a motion to discharge a committee was to have been the first order of business after the reading of the Journal.**

On Apr. 26, 1948,<sup>(9)</sup> the day on which the calling up of a motion to discharge the Committee on Agriculture from further consideration of a bill<sup>(10)</sup> was to have been the first order of business after the reading of the Journal, a quorum call occurred prior to the reading of the Journal.

### ***Unanimous-consent Requests Preceding Recognition to Call Up Motion***

#### **§ 3.8 A motion to discharge a committee under the provisions of Rule XXVII clause 4 is in order "immediately after the approval of the Journal"; but pending rec-**

9. 94 CONG. REC. 4834, 80th Cong. 2d Sess.

10. H.R. 2245, repealing the tax on oleomargarine.



**ognition of a Member to make such a motion, the Speaker has permitted a Member to proceed for one minute on an unrelated matter.**

On Aug. 10, 1970,<sup>(11)</sup> after the approval of the Journal, the Speaker<sup>(12)</sup> made the following announcement to the House:

THE SPEAKER: The Chair would like to announce that the Chair is not going to recognize Members for the usual 1-minute speeches at this time, due to the situation with respect to the rules that exist in relation to the consideration of a constitutional amendment, with one exception: and that is that the Chair will recognize the gentleman from Pennsylvania (Mr. Corbett) to announce the death of our late and beloved colleague and friend, the gentleman from Pennsylvania (Mr. Watkins).

Proceedings incident to the announcement of the death of a Member from Pennsylvania en-

11. 116 CONG. REC. 27994-99, 91st Cong. 2d Sess. See also 88 CONG. REC. 8066, 8067, 77th Cong. 2d Sess., Oct. 12, 1942, where the phrase "immediately after the approval of the Journal" was interpreted by Speaker Sam Rayburn (Tex.) as not precluding the recognition of Members for unanimous-consent requests subsequent to the reading of the Journal on a day when the call up of a motion to discharge a committee was pending.

12. John W. McCormack (Mass.).

sued, at the conclusion of which Mrs. Martha W. Griffiths, of Michigan, was recognized to call up pursuant to Rule XXVII a motion to discharge the Committee on the Judiciary from further consideration of a House joint resolution<sup>(13)</sup> proposing an equal rights amendment to the Constitution.

### *Debate on Motion*

**§ 3.9 Debate on a motion to discharge a committee is limited to 20 minutes—10 minutes under the control of the Member recognized to call up the motion and 10 minutes under the control of a Member recognized in opposition.**

On Nov. 8, 1971,<sup>(14)</sup> during proceedings incident to the House's consideration under Rule XXVII of a motion called up by Mr. Chalmers P. Wylie, of Ohio, to discharge the Committee on the Judiciary from further consideration of a House joint resolution,<sup>(15)</sup> the Speaker,<sup>(16)</sup> in his statement rel-

13. H.J. Res. 264.

14. 117 CONG. REC. 39886, 92d Cong. 1st Sess. For a further example see 111 CONG. REC. 25181, 89th Cong. 1st Sess., Sept. 27, 1965.

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

16. Carl Albert (Okla.).



ative to the allocation of time for debate on the motion, said:

Under the rule, the gentleman from Ohio (Mr. Wylie) will be recognized for 10 minutes, and the gentleman from New York (Mr. Celler, Chairman, Committee on the Judiciary) will be recognized for 10 minutes.

**§ 3.10 In response to a parliamentary inquiry, the Speaker indicated that: (1) there would be 20 minutes of debate on a motion to discharge a committee from consideration of a joint resolution; and (2) the chairman of that committee would be recognized for 10 minutes if opposed to the motion.**

On Aug. 10, 1970,<sup>(17)</sup> during proceedings incident to the House's consideration of a motion called up, pursuant to Rule XXVII clause 4, by Mrs. Martha W. Griffiths, of Michigan, to discharge the Committee on the Judiciary from further consideration of a House joint resolution,<sup>(18)</sup> Emanuel Celler, of New York (chairman of the committee) propounded a parliamentary inquiry:

MR. CELLER: Mr. Speaker, I understand the rule provides for 20 minutes

17. 116 CONG. REC. 27999, 28004, 91st Cong. 2d Sess.

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

of debate, 10 minutes on either side. Is it correct that the chairman of the Judiciary Committee, being opposed to the discharge petition, will be allocated 10 minutes?

THE SPEAKER:<sup>(19)</sup> The gentleman's statement is correct that the rule provides for 20 minutes of debate, 10 minutes on each side. If the gentleman from New York (Mr. Celler) is opposed to the motion, the Chair will recognize him for 10 minutes.

Is the gentleman opposed to the motion?

MR. CELLER: I am opposed to the motion, Mr. Speaker.

THE SPEAKER: Under the rule, the gentlewoman from Michigan (Mrs. Griffiths) will be recognized for 10 minutes, and the gentleman from New York (Mr. Celler) will be recognized for 10 minutes.

**§ 3.11 A Member recognized to control half of the 20 minutes' debate on a motion to discharge may yield any part of it.**

On June 15, 1960,<sup>(20)</sup> the Speaker<sup>(1)</sup> announced that, pursuant to Rule XXVII clause 4, Mr. T. Ashton Thompson, of Louisiana, as proponent, and Mr. Edward H. Rees, of Kansas, as opponent, would each be recognized for 10 minutes of debate incident to the House's consideration of a pending

19. John W. McCormack (Mass.).

20. 106 CONG. REC. 12691, 12693, 12720-25, 86th Cong. 2d Sess.

1. Sam Rayburn (Tex.).

motion to discharge the Committee on Rules from further consideration of a resolution<sup>(2)</sup> making in order consideration of a bill.<sup>(3)</sup> Debate by both Members ensued, during the course of which Mr. Rees yielded five minutes of his allotted time to Mr. H. R. Gross, of Iowa. The following exchange then occurred:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HALLECK: I understood the gentleman from Kansas yielded 5 minutes to the gentleman from Iowa. Would that be within his rights?

THE SPEAKER: The gentleman from Iowa is recognized for 5 minutes.

**§ 3.12 The Member recognized in opposition to a motion to discharge a committee controls the time for debate thereon, and although he may yield part of his time to another Member, that Member may not yield part of that time to still another Member.**

On June 11, 1945,<sup>(4)</sup> the House was debating a motion called up

2. H. Res. 537.

3. H.R. 9883, adjusting rates of compensation for officers and employees of the federal government.

4. 91 CONG. REC. 5892-96. 79th Cong. 1st Sess.

pursuant to Rule XXVII clause 4 to discharge the Committee on Rules from a resolution making in order the consideration of a bill.<sup>(5)</sup> The Member who had been recognized in opposition to the motion, Mr. Edward E. Cox, of Georgia, yielded a portion of his allotted time to Mr. John E. Rankin, of Mississippi. Thereupon, Mr. Rankin inquired of the Chair as to whether he would be permitted to yield this time as he saw fit. Responding in the negative, the Speaker<sup>(6)</sup> stated, "The gentleman from Georgia [Mr. Cox] controls the time."

**§ 3.13 The proponents of a motion to discharge a committee have the right to close debate thereon.**

On Apr. 26, 1948,<sup>(7)</sup> prior to the commencement of debate on a motion called up pursuant to Rule XXVII clause 4 to discharge the Committee on Agriculture from further consideration of a bill,<sup>(8)</sup> Mr. L. Mendel Rivers, of South Carolina, who had been recog-

5. 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.

6. Sam Rayburn (Tex.).

7. 94 CONG. REC. 4835, 4841, 4842, 80th Cong. 2d Sess.

8. H.R. 2245, repealing the tax on oleomargarine.

nized as the proponent of the motion, propounded a parliamentary inquiry:

MR. RIVERS: The proponents of the motion have 10 minutes and the opponents have 10 minutes, and the proponents have the right to close the debate?

Answering in the affirmative, the Speaker<sup>(9)</sup> said:

The gentleman has stated the situation accurately. He has the right to close debate.

### *Intervening Motions*

#### **§ 3.14 When a motion to discharge a committee is called up, a motion to postpone consideration to a day certain is not in order.**

On Dec. 18, 1937,<sup>(10)</sup> Mr. Samuel B. Pettengill, of Indiana, inquired of the Chair as to whether a motion to postpone consideration to a day certain would be in order subsequent to the calling up, pursuant to Rule XXVII clause 4, of a motion to discharge a committee. Responding to the parliamentary inquiry, the Speaker<sup>(11)</sup> stated:

Under the rules, it would not. The Chair directs the attention of the gen-

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

10. 82 CONG. REC. 1847, 75th Cong. 2d Sess.

11. William B. Bankhead (Ala.).

tleman from Indiana to the discharge rule which clearly sets out that no intervening motion may take place except one motion to adjourn.

#### **§ 3.15 The motion to lay on the table a motion to discharge a committee is not in order.**

On June 11, 1945,<sup>(12)</sup> Mr. Vito Marcantonio, of New York, moved to discharge the Committee on Rules from a resolution<sup>(13)</sup> making in order consideration of a bill.<sup>(14)</sup> Mr. John E. Rankin, of Mississippi, moved that the motion be laid on the table. Ruling on the motion to table, the Speaker<sup>(15)</sup> stated, "That motion is not in order under the rules."

*Parliamentarian's Note:* Rule XXVII clause 4, *House Rules and Manual* §908 (1981), provides, in part, that:

On the second and fourth Mondays of each month except during the last six days of any session of Congress, immediately after the approval of the Journal, any Member who has signed a motion to discharge which has been on the calendar at least seven days prior thereto, and seeks recognition, shall be recognized for the purpose of calling up

12. 91 CONG. REC. 5892, 79th Cong. 1st Sess.

13. H. Res. 139.

14. 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.

15. Sam Rayburn (Tex.).

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,<sup>(16)</sup> during the consideration, under Rule XXVII clause 4, of a motion to discharge the Committee on Rules from a resolution<sup>(17)</sup> making in order consideration of a bill,<sup>(18)</sup> 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<sup>(19)</sup> 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.<sup>(20)</sup> 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,<sup>(1)</sup> the Speaker not entertaining any dilatory or other intervening motion<sup>(2)</sup> 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.<sup>(3)</sup> If the motion for immediate consideration is adopted, the legislation is taken up under the general rules of the House.<sup>(4)</sup> 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.<sup>(5)</sup>

### ***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,<sup>(6)</sup> the House agreed to a motion offered by Mr. Abraham J. Multer, of New York, to discharge the Committee on Rules from a resolution<sup>(7)</sup> making in order the consideration of a certain bill.<sup>(8)</sup> The resolution was then read to the House, whereupon, the Speaker<sup>(9)</sup> 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,<sup>(10)</sup> during proceedings incident to the consideration by the House of a resolution<sup>(11)</sup> 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<sup>(12)</sup> 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,<sup>(13)</sup> following the adoption by the House of a motion<sup>(14)</sup> offered by Mr. Chalmers P. Wylie, of Ohio, to discharge the Committee on the Judiciary from further consideration of a House joint resolution,<sup>(15)</sup> 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,<sup>(16)</sup> following the agreement by the House to a motion to discharge the Committee on Agriculture from further consideration of a bill,<sup>(17)</sup> the Speaker<sup>(18)</sup> 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 oleomargarine.

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,<sup>(19)</sup> 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:<sup>(20)</sup>

#### 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.<sup>(21)</sup>

#### *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,<sup>(22)</sup> 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<sup>(23)</sup> and providing for the resolution's immediate consideration by the House, the Speaker<sup>(24)</sup> 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,<sup>(25)</sup> following the agreement by the House to a motion to discharge the Committee on Ways and Means from the further consideration of a bill,<sup>(26)</sup> 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:<sup>(1)</sup> 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<sup>(2)</sup> 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.<sup>(3)</sup> While the ordinary motion to discharge a committee from consideration of an unprivileged legislative proposition is not privileged,<sup>(4)</sup> 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.

the punishment of a Member, or an impeachment resolution,<sup>(5)</sup> notwithstanding the availability of the discharge petition under Rule XXVII clause 4;<sup>(6)</sup> the rationale being that matters properly involving questions of the privileges of the House retain their privilege and may be reached by use of a motion to discharge even though referred through the hopper.

Rule XXII clause 5<sup>(7)</sup> provides that all resolutions of inquiry shall be reported to the House within one week after presentation. Pursuant to the rule, committees are required to report resolutions of inquiry back to the House within one week of the reference, and this weeks time has been construed to be seven legislative days. If a committee refuses or neglects to report the resolution back, the House may reach the resolution only by a motion to discharge the committee from the resolutions further consideration. A privileged status is accorded the motion to discharge in cases of

resolutions of inquiry.<sup>(8)</sup> The privileged status of the motion does not obtain, however, where the resolution of inquiry has sought opinions, not facts, as required under the rule.<sup>(9)</sup>

Prior to the amendments adopted in 1977 to the Reorganization Act, reorganization plans submitted by the President were subject to discharge from committee pursuant to the statute in existence at that time.<sup>(10)</sup> A resolution with respect to a reorganization plan could be discharged from the committee to which it had been referred under the provisions of 5 USC §911(a) if the committee had not reported it at the end of 20 calendar days after its introduction. However, a motion to discharge could be made only by an individual favoring the resolution.<sup>(11)</sup> Debate on the motion was limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution.<sup>(12)</sup>

*Parliamentary Note:* See also *House Rules and Manual*, 96th

5. See 3 Hinds' Precedents §2709; 8 Cannon's Precedents §2316.

6. See Ch. 14, §8.3, *supra*, where a discharge petition was utilized unsuccessfully against an impeachment resolution referred through the hopper to the Committee on the Judiciary.

7. *House Rules and Manual* §855 (1979).

8. See §5.2, *infra*.

9. See §5.3, *infra*.

10. 5 USC §911 (1970 ed.), revised by Pub. L. No. 95-17, Apr. 6, 1977. Current procedure (1981) provides an automatic discharge of a disapproval resolution after 45 days.

11. See §5.5, *infra*.

12. See §§5.6, 5.7, *infra*.

Congress, § 1013, chapter on "Congressional Disapproval" Provisions Contained in Public Laws, Part A, for other statutory provisions containing discharge procedures.

### ***Discharging Vetoed Bills***

#### **§ 5.1 A motion to discharge a committee from the consideration of a vetoed bill, while presenting a question of constitutional privilege, is subject to the motion to lay on the table.**

On Sept. 7, 1965,<sup>(13)</sup> during proceedings incident to the consideration of a motion raised as a question of constitutional privilege by Mr. Durward G. Hall, of Missouri, which sought to discharge the Committee on Armed Services from further consideration of a vetoed bill,<sup>(14)</sup> the following parliamentary inquiry was raised:

MR. HALL: Mr. Speaker, I rise to a question of the highest privilege of the House, based directly on the Constitution and precedents, and offer a motion.

13. 111 CONG. REC. 22958, 22959, 89th Cong. 1st Sess. For a further illustration see 4 Hinds' Precedents § 3532.

14. H.R. 8439, relating to military construction had been vetoed on Aug. 21, 1965 and referred back to the Committee on Armed Services on Aug. 23, 1965.

THE SPEAKER PRO TEMPORE<sup>(15)</sup> The Clerk will report the motion.

The Clerk read as follows:

Motion by Mr. Hall:

*Resolved*, That the Committee on Armed Services be discharged from further consideration of the bill H.R. 8439, for military construction, with the President's veto thereon, and that the same be now considered.

MR. L. MENDEL RIVERS of South Carolina: Mr. Speaker, I move to lay that motion on the table. . . .

MR. HALL: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALL: The question is on the motion of the gentleman from South Carolina [Mr. Rivers] to table my motion, which is highly privileged?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

MR. HALL: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. HALL: Is a highly privileged motion according to the Constitution subject to a motion to table?

THE SPEAKER PRO TEMPORE: It is.

Subsequently, the motion to table was agreed to.

### ***Discharging Resolutions of Inquiry***

#### **§ 5.2 A motion to discharge a committee from consideration of a resolution of inquiry is privileged (under**

15. Carl Albert (Okla.).

**Rule XXII clause 5) after the resolution has been pending before the committee for seven legislative days.**

On Aug. 2, 1971,<sup>(16)</sup> Mr. James M. Collins, of Texas, moved to discharge the Committee on Education and Labor from the further consideration of a resolution of inquiry<sup>(17)</sup> directing the Secretary of Health, Education, and Welfare to furnish the House with certain documents. The resolution of inquiry had been pending before that committee at least seven legislative days without action thereon. The resolution was read to the House; whereupon, without debate, the question on the motion to discharge was taken; the motion was agreed to—yeas 252, nays 129, not voting 52.

**§ 5.3 A motion to discharge a committee from consideration of a resolution of inquiry is not in order where**

16. 117 CONG. REC. 28863, 22869, 92d Cong. 1st Sess. See also 96 CONG. REC. 1755, 81st Cong. 2d Sess., Feb. 9, 1950, where Speaker Sam Rayburn (Tex.), informed the House that if a committee to which a resolution of inquiry had been referred did not report the resolution within seven legislative days, the Member who had introduced the resolution could call it up for consideration as a matter of privilege.

17. H. Res. 539.

**the resolution is not privileged because it calls upon the head of an executive department to furnish the House with a statement of opinion and not merely factual information.**

On July 7, 1971,<sup>(18)</sup> Ms. Bella S. Abzug, of New York, moved to discharge the Committee on Armed Services from further consideration of a resolution of inquiry:

H. RES. 491

*Resolved*, That the President, the Secretary of State, Secretary of Defense, and the Director of the Central Intelligence Agency be, and they are hereby, directed to furnish the House of Representatives within fifteen days after the adoption of this resolution with full and complete information on the following—

the history and rationale for United States involvement in South Vietnam since the completion of the study entitled "United States—Vietnam Relationships, 1945–1967", prepared by the Vietnam Task Force, Office of the Secretary of Defense;

the known existing plans for residual force of the United States Armed Forces in South Vietnam;

the nature and capacity of the government of the Republic of Vietnam, including but not limited to analyses of their past and present military capabilities, their capacity for military and economic self-sufficiency including but

18. 117 CONG. REC. 23810, 23811, 92d Cong. 1st Sess.



not limited to analyses of the political base of the Republic, the scope, if any, of governmental malfunction and corruption, the depth of popular support and procedures for dealing with non-support; including but not limited to known existing studies of the economy of the Republic of South Vietnam and the internal workings of the government of the Republic of South Vietnam;

the plans and procedures, both on the part of the Republic of South Vietnam and the United States Government for the November 1971 elections in the Republic of South Vietnam, including but not limited to analyses of the United States involvement, covert or not, in said elections.

A point of order was made by Mr. F. Edward Hébert, of Louisiana, asserting that the resolution was not privileged because it sought opinions, not facts as required under the rule.<sup>(19)</sup> In his ruling sustaining the point of order, the Speaker<sup>(20)</sup> stated:

THE SPEAKER: . . . The gentlewoman from New York has moved to discharge the Committee on Armed Services from further consideration of the resolution, House Resolution 491. The gentlewoman has furnished the Chair a copy of the resolution, and the Chair appreciates that fact, since it gives an opportunity to the Chair to examine the resolution prior to ruling on the point of order.

19. Rule XXII clause 5, *House Rules and Manual* §§ 855, 857 (1979).

20. Carl Albert (Okla.).

The resolution under consideration has not been reported by the committee to which it has been referred.

Clause 5 of rule XXII provides that:

All resolutions of inquiry addressed to the heads of executive departments shall be reported to the House within one week after presentation.

The gentleman from Louisiana makes a point of order against the motion to discharge on the ground that the resolution is not privileged under the rule because it calls for opinions in addition to factual information.

It has been consistently held that to retain the privilege under the rule, resolutions of inquiry must call for facts rather than opinions—Cannon's precedents, volume VI page 413 and pages 418 to 432. Speaker Longworth, on February 11, 1926, held that a resolution inquiring for such facts as would inevitably require the statement of an opinion to answer such inquiry was not privileged—Record, page 3800.

Among other requests, House Resolution 491 calls for the furnishing of one, the "rationale" for U.S. involvement in South Vietnam since the completion of the study; two, the nature and "capacity" of the Government of the Republic of Vietnam, including "analyses" of their military "capabilities"; their capacity for self-sufficiency which would include analyses of the Government's political base, the scope of malfunction and corruption, the depth of popular support; and three, analyses of U.S. involvement in 1971 elections in South Vietnam.

In at least these particulars, executive officials are called upon—not for facts—but to furnish conclusions,



which must be, essentially, statements of opinion.

The Chair therefore holds that House Resolution 491 is not a privileged resolution within the meaning of clause 5, rule XXII, and that the motion to discharge the Committee on Armed Services from its further consideration is not in order.

An appeal from the ruling of the Chair made by Ms. Abzug was laid on the table.

### ***Debate on Resolutions of Inquiry***

**§ 5.4 A resolution of inquiry is normally debatable in the House under the hour rule; but when a motion to discharge a committee from further consideration of a resolution of inquiry has been agreed to and the previous question has been ordered on the resolution without intervening debate, the Speaker may invoke the 40-minute rule (Rule XXVII clause 3) allotting 20 minutes each to those supporting and opposing the resolution.**

On Aug. 2, 1971,<sup>(1)</sup> the previous question was ordered without debate on a resolution of inquiry<sup>(2)</sup>

1. 117 CONG. REC. 28863, 28869, 92d Cong. 1st Sess.

2. H. Res. 539, directing the Secretary of Health, Education, and Welfare to

which was before the House pursuant to a motion to discharge. Mr. Thomas P. O'Neill, Jr., of Massachusetts, then raised a parliamentary inquiry:

MR. O'NEILL: Mr. Speaker, a parliamentary inquiry: In view of the fact that there was no debate on this, is a Member entitled to 20 minutes if he asks for time?

THE SPEAKER: <sup>(3)</sup> He is.

MR. O'NEILL: Mr. Speaker, I am asking for the 20 minutes. I have some questions I would like to ask on this and have the chairman of the Committee on Education and Labor explain it.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, has not the previous question been moved and accepted?

THE SPEAKER: Yes, it has.

MR. O'NEILL: Mr. Speaker, I was on my feet seeking recognition.

MR. HALL: Regular order, Mr. Speaker.

THE SPEAKER: Inasmuch as there has been no debate on the resolution, the 40-minute rule applies, 20 minutes to each side. The gentleman from Texas is entitled to 20 minutes and the gentleman from Massachusetts is entitled to 20 minutes.

Debate incident to the consideration of the resolution ensued, at the conclusion of which the resolution was agreed to. A motion to reconsider was laid on the table.

furnish the House with certain documents.

3. Carl Albert (Okla.).

***Discharging Resolutions Relating to Reorganization Plans (Prior to 95th Congress)***

**§ 5.5 Pursuant to the provisions of 5 USC §911 (1970 ed.), a motion to discharge a committee from further consideration of a resolution with respect to a reorganization plan could be made only by a Member favoring the resolution.**

On Aug. 3, 1961,<sup>(4)</sup> the following proceedings occurred:

MR. [H. R.] GROSS [of Iowa]: Mr. Speaker, I offer a privileged motion dealing with Reorganization Plan No. 6.

THE SPEAKER:<sup>(5)</sup> The Clerk will report the motion.

The Clerk read as follows:

Mr. Gross moves to discharge the Committee on Government Operations from further consideration of House Resolution 335, introduced by Mr. John S. Monagan, of Connecticut, disapproving Reorganization Plan No. 6, transmitted to Con-

gress by the President on June 12, 1961.

THE SPEAKER: Is the gentleman in favor of the resolution?

MR. GROSS: Mr. Speaker, I am in favor of the disapproving resolution, yes.

THE SPEAKER: The gentleman is entitled to 30 minutes.

***Debate on Discharging Reorganization Plans***

**§ 5.6 Debate on a motion to discharge a committee from further consideration of a resolution disapproving a reorganization plan was limited to one hour (5 USC §911) and was equally divided between the Member making the motion and a Member opposed thereto.**

On Aug. 3, 1961,<sup>(6)</sup> during proceedings incident to a motion offered by Mr. H. R. Gross, of Iowa, to discharge the Committee on Government Operations from further consideration of a resolution<sup>(7)</sup> disapproving a reorganization plan, the Speaker<sup>(8)</sup> divided the one hour permitted by statute<sup>(9)</sup> for debate on such motions equally between Mr. Gross, the

4. 107 CONG. REC. 14548-54, 87th Cong. 1st Sess. For a further example see 107 CONG. REC. 13084, 87th Cong. 1st Sess., July 20, 1961. The amendments to the Reorganization Act in the 95th Congress (Pub. L. No. 95-17) removed the concept of the motion to discharge from the act. Under the current procedure, a resolution is deemed to be discharged 45 days after introduction.

5. Sam Rayburn (Tex.).

6. 107 CONG. REC. 14548-54, 87th Cong. 1st Sess.

7. H. Res. 335.

8. Sam Rayburn (Tex.).

9. 5 USC §911.

maker of the motion, and Mr. Dante B. Fascell, of Florida, a Member opposed thereto. Following the announcement of the Chair relative to the allocation of available time, Mr. Gross was recognized to open debate.

**§ 5.7 Debate on a motion to discharge a committee from further consideration of a resolution disapproving a reorganization plan was, by unanimous consent, extended from one to two hours, to be controlled and divided by the proponent of the motion and a Member designated by the Speaker.**

On July 18, 1961,<sup>(10)</sup> a unanimous-consent request was made to the House:

MR. [JOHN W.] MCCORMACK [of Massachusetts]: Mr. Speaker, I ask unanimous consent that in the event a motion is made to discharge the Committee on Government Operations on the resolution disapproving Reorganization Plan No. 7, that the time for debate be extended from 1 hour to 2 hours, one-half to be controlled by the proponent of the motion and one-half by a Member designated by the Speaker.

THE SPEAKER:<sup>(11)</sup> Is there objection to the request of the gentleman from Massachusetts?

10. 107 CONG. REC. 12774, 87th Cong. 1st Sess.

11. Sam Rayburn (Tex.).

There was no objection.

On July 20, 1961,<sup>(12)</sup> the proponent and opponent of a resolution disapproving of a reorganization plan were, pursuant to this unanimous-consent agreement, each recognized for one hour on the motion to discharge.

***Discharging Reorganization Plans by Unanimous Consent***

**§ 5.8 By unanimous consent, the House agreed to a motion that a select committee be discharged from further consideration of a concurrent resolution disapproving a reorganization plan.**

On May 7, 1940,<sup>(13)</sup> the following proceedings transpired:

MR. [CLARENCE F.] LEA [of California]: Mr. Speaker, I move to discharge the Select Committee on Government Organization from further consideration of House Concurrent Resolution 60.

THE SPEAKER:<sup>(14)</sup> The Clerk will report the resolution.

The Clerk read as follows:

HOUSE CONCURRENT RESOLUTION 60

*Resolved by the House of Representatives (the Senate concurring), That the Congress does not favor the*

12. 107 CONG. REC. 13084, 87th Cong. 1st Sess.

13. 86 CONG. REC. 5676, 76th Cong. 3d Sess.

14. William B. Bankhead (Ala.).

Reorganization Plan No. IV transmitted to Congress by the President on April 11, 1940.

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Speaker, the majority members of the Select Committee on Organization are in accord with the gentleman from California, and I ask

unanimous consent that the motion of the gentleman from California to discharge the select committee be considered as having been agreed to.

THE SPEAKER: Without objection, it is so ordered.

There was no objection.

## APPENDIX

### Recent History of Discharge Motions

Congress	Number of motions filed	Motions signed by requisite number of Members
73d (1933 to 1934) .....	31	6
74th (1935 to 1936) .....	33	3
75th (1937 to 1938) .....	43	4
76th (1939 to 1940) .....	37	2
77th (1941 to 1942) .....	15	1
78th (1943 to 1944) .....	21	3
79th (1945 to 1946) .....	35	3
80th (1947 to 1948) .....	20	1
81st (1949 to 1950) .....	34	3
82d (1951 to 1952) .....	14	0
83d (1953 to 1954) .....	10	1
84th (1955 to 1956) .....	6	1
85th (1957 to 1958) .....	7	1
86th (1959 to 1960) .....	7	1
87th (1961 to 1962) .....	6	0
88th (1963 to 1964) .....	5	0
89th (1965 to 1966) .....	6	1
90th (1967 to 1968) .....	4	0
91st (1969 to 1970) .....	12	1
92d (1971 to 1972) .....	15	1
93d (1973 to 1974) .....	10	0
94th (1975 to 1976) .....	15	0
95th (1977 to 1978) .....	11	0
96th (1979 to 1980) .....	14	2
Total .....	411	35

From the beginning of the 73d Congress through the end of the 96th (a period of 47 years), 411 motions to discharge committees have been filed. In that time, two bills have become law through the use of the complete discharge process: S. 2475, Public Law No. 75-718 (Labor Standards, Wages and House); and H.R. 9883, Public Law No. 86-586 (Federal Employees Pay Bill). The latter bill, which was vetoed, became law when Congress overrode the veto on July 1, 1960. The following is a further numerical analysis of the outcome of proceedings related to the 411 motions to discharge committees referred to above:

35 motions received a sufficient number of signatures for discharge.<sup>(1)</sup>

18 motions that were fully signed were agreed to.

1 motion failed when called up.

2 bills were defeated on passage in the House.

1 bill was recommitted after adoption of the motion to discharge and the resolution providing for consideration of the bill.

3 bills passed the House but were not reported in the Senate.

8 bills passed to the stage of being reported in the Senate.

1 simple resolution was agreed to after discharge of the committee.

3 bills (all of which became law) and one resolution were reported after discharge petitions were fully signed, but the motions to discharge in these instances were not called up.

1 bill was reported after the discharge motion was filed but before the motion was eligible to be called up; the bill passed the House under suspension of the rules, but the proceedings were subsequently vacated and a Senate bill passed in lieu of the House bill.

2 bills, as noted above, became law through use of the complete discharge procedure.

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1. The number of signatures required has normally been 218, except that 219 were required in the 86th and 87th Congresses, and 145 were required in the 73d Congress.