

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

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

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

Committee on Ways and Means

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

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

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

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

§ 3. Calling Up Motion; Debate

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

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

6. H.R. 1.

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

8. See §3.1, *infra*.

9. See §3.6, *infra*.

10. See §3.2, *infra*.

11. See §3.3, *infra*.

12. See §3.5, *infra*.

for consideration on any subsequent eligible Monday.⁽¹³⁾

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.⁽¹⁴⁾ The proponents of a motion to discharge a committee have the right to close debate thereon.⁽¹⁵⁾

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,⁽¹⁶⁾ Mr. Sam Rayburn, of Texas, propounded the following parliamentary inquiry:

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

The Speaker:⁽¹⁷⁾ 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,⁽¹⁸⁾ the following parliamentary inquiry was raised:

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

THE SPEAKER:⁽¹⁹⁾ 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,⁽²⁰⁾ the following parliamentary inquiry was raised:

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

THE SPEAKER:⁽¹⁾ 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,⁽²⁾ 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⁽³⁾ 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:⁽⁴⁾ 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,⁽⁵⁾ 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,⁽⁶⁾ 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,⁽⁷⁾ the Speaker⁽⁸⁾ 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,⁽⁹⁾ the day on which the calling up of a motion to discharge the Committee on Agriculture from further consideration of a bill⁽¹⁰⁾ 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,⁽¹¹⁾ after the approval of the Journal, the Speaker⁽¹²⁾ 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⁽¹³⁾ 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,⁽¹⁴⁾ 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,⁽¹⁵⁾ the Speaker,⁽¹⁶⁾ 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,⁽¹⁷⁾ 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,⁽¹⁸⁾ 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:⁽¹⁹⁾ 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,⁽²⁰⁾ the Speaker⁽¹⁾ 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⁽²⁾ making in order consideration of a bill.⁽³⁾ 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,⁽⁴⁾ 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.⁽⁵⁾ 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⁽⁶⁾ 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,⁽⁷⁾ 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,⁽⁸⁾ 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 oleo-margarine.

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⁽⁹⁾ 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,⁽¹⁰⁾ 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⁽¹¹⁾ 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,⁽¹²⁾ Mr. Vito Marcantonio, of New York, moved to discharge the Committee on Rules from a resolution⁽¹³⁾ making in order consideration of a bill.⁽¹⁴⁾ Mr. John E. Rankin, of Mississippi, moved that the motion be laid on the table. Ruling on the motion to table, the Speaker⁽¹⁵⁾ 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,⁽¹⁶⁾ during the consideration, under Rule XXVII clause 4, of a motion to discharge the Committee on Rules from a resolution⁽¹⁷⁾ making in order consideration of a bill,⁽¹⁸⁾ Mr. John E. Rankin, of Mississippi, asked unanimous consent to extend his remarks at that point in the Record. Responding to the gentleman's request, the Speaker⁽¹⁹⁾ stated, "The Chair cannot recognize Members to extend their remarks until this matter has been disposed of."

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

17. H. Res. 139.

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

19. Sam Rayburn (Tex.).

§ 4. Consideration of Discharged Measures

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

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

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

1. See § 4.1, *infra*.

2. See §§ 4.1, 4.2, *infra*.

3. See § 4.3, *infra*.

4. See §§ 4.4 and 4.6, *infra*.