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The Discharge Rule in the House: Recent Use in Historical Context

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Summary

The discharge rule of the House of Representatives affords a way for Members to bring to the floor a measure not reported from committee. Before a motion to discharge may be made, 218 Members must sign a petition for that purpose. This report provides summary data on discharge petitions filed since adoption of the present form of discharge rule in 1931. It also identifies the 32 occasions since 1967 on which a committee report or floor action occurred on a measure against which a petition was filed (or an alternative measure on the same subject).

Since 1967, 11 discharge petitions obtained the required signatures. The House discharged the committee six times, but adopted only two of the measures involved: (1) an amendment to the discharge rule itself and (2) a proposed constitutional amendment, which did not receive Senate approval. The other five measures received floor consideration under procedures other than discharge, and three of these became law. All six measures rejected were proposed constitutional amendments, requiring a two-thirds majority for passage.

Also since 1967, ten other measures on which discharge was attempted received floor consideration under other procedures. Six of these became law. Committees reported a further ten measures on which discharge was attempted.

Over the entire period since 1931, 551 discharge petitions have been filed, of which 46 obtained the required signatures. The House voted for discharge 26 times, and passed 19 of the measures involved. Two of these measures changed House rules. Only two of the remaining 17 became law. Of the 20 completed petitions on which the House did not vote to discharge, five motions were defeated; no action occurred in six cases; and nine measures received floor consideration under other procedures. Seven of these latter nine became law.

Also, since 1931, 33 other measures on which petitions were filed reached the floor under other procedures. All but three passed the House, and 17 received final approval. Overall, either the petition has been completed, or the measure has received floor action under some procedure, in roughly 15% of discharge attempts.

The discharge rule permits the House to bring a measure to the floor either directly or by considering and adopting a special rule for the purpose. Overall since 1931, about one quarter of discharge petitions have sought to discharge the Committee on Rules from special rules for considering unreported measures. During the most recent decade, however, more than three-fifths of petitions have adopted this approach.

Only since the 103rd Congress has the number of Members signing each discharge petition been public information. During that period, three petitions were signed by more Members than the number belonging to the minority party. Twenty-six were signed by fewer than this number of Members, but more than 90. Thirteen were signed by 30-60 Members, eight by 7-30, and nine by three or fewer.

Contents

Introduction	1
Function of the Discharge Rule	1
Pertinent Features of the Discharge Rule and Their Development	1
Data Presented in This Report	3
Recent Discharge Attempts on Measures That Became Available for Floor Action	3
Use and Success of the Discharge Procedure	15
Frequency of Discharge Attempts	15
Use of the Three Forms of Discharge	15
Success of Discharge Attempts	18
Other Forms of Action on Measures Subjected to Discharge Attempts	21
Action After a Petition Is Entered	21
Action When No Petition Is Entered	21
Summary	22
Number of Signers	28

List of Tables

Table 1. Measures on Which Discharge Petitions Were Filed and Which Became Available for Floor Action, 1967-2000	7
Table 2. Discharge Petitions Filed, 1931-2000	16
Table 3. Proceedings Under the House Discharge Rule, 1931-2000	19
Table 4. Measures on Which Discharge Petitions Were Filed, But That Received Action Under Other Procedures, 1931-2000	23
Table 5. Action on Measures on Which Discharge Petitions Were Filed, 1931-2000	25
Table 6. Discharge Petitions in the 103 rd House (1993-1994), by Number of Signers	30
Table 7. Discharge Petitions in the 104 th House (1995-1996), by Number of Signers	32
Table 8. Discharge Petitions in the 105 th House (1997-1998), by Number of Signers	33
Table 9. Discharge Petitions in the 106 th House (1999-2000), by Number of Signers	34

The Discharge Rule in the House: Recent Use in Historical Context

Introduction

Function of the Discharge Rule

The “discharge rule” of the House of Representatives (now Rule XV, clause 2),¹ provides a means by which a majority of Members may bring to the floor for consideration a measure that has not been reported from committee. To initiate action under this rule, a Member files a discharge petition either (1) on the measure or (2) on a special rule providing that the measure be extracted from committee and considered. If a majority of the membership then signs the petition, it enables the House to entertain, on specified days, a motion that the pertinent committee be discharged from considering the measure (or the special rule). If the House adopts this motion, it then may entertain a motion to consider the measure (or it takes up the special rule for considering the measure). Finally, if the House adopts the motion to consider (or the special rule), the measure comes to the floor for consideration.²

The House first adopted the discharge rule in essentially this form in 1931. From then through 2000, discharge petitions were filed on 551 measures. Most of these never led to any floor action. During these years, the House adopted only 26 discharge motions.³ However, an additional 41 of the measures involved (or alternatives on the same subject) reached the floor through other procedures available under House rules. Some of these floor proceedings may have occurred because the leadership or the pertinent committees were acting in response to the discharge attempts.

Pertinent Features of the Discharge Rule and Their Development

Although the House has had a discharge rule since 1910, it did not adopt the essential features of the present rule until 1931, and many features of earlier discharge procedures

¹U.S. Congress, House of Representatives, *Constitution, Jefferson’s Manual, and Rules of the House of Representatives, One Hundred Seventh Congress*, H.Doc. 106-320, 106th Cong., 2nd sess., compiled by Charles W. Johnson, Parliamentarian (Washington: GPO, 2001), sec. 892. Hereafter cited as *House Manual*.

²The mechanics of the rule are described in more detail in CRS Report 97-552, *The Discharge Rule in the House: Principal Features and Uses*, by Richard S. Beth.

³Including unanimous consent requests with equivalent effects.

were not comparable with those of today. For this reason, the data in this report address only the period since 1931.⁴

Elements introduced into the rule in 1931 include the present requirements for filing a discharge petition and the possible outcomes from doing so. The 1931 revisions also established mechanisms (1) to ensure that the House will actually be able to consider a measure once a petition is entered, and (2) to prevent dilatory use of the rule.

One of the most significant innovations of the 1931 rule was the establishment of three alternate forms for initiating discharge action. Since 1931, it has been possible to file a discharge petition either:

- ! directly on an unreported measure;
- ! on a special rule providing that an unreported measure be extracted from committee and considered; or
- ! on a special rule for considering a measure already reported from committee, but never called up for floor consideration, or still on the calendar.

The different implications of these three methods are explained in the next section.

Since 1931, the House has amended the discharge rule four times, on each occasion only in specific features, not in basic structure. One of these amendments took place shortly after adoption of the present form of rule; the others did not occur until the 1990s.

- ! In 1935, the House increased the number of signatures required on the petition from 145 (one-third of the House) to 218 (one-half of the House);
- ! In 1991, the House eliminated a provision that had the effect of preventing debate on, or amendment of, a special rule reaching the floor through discharge;
- ! In 1993, the House provided that the names of signers on discharge petitions from that time forward be available to the public; and
- ! In 1997, the House prohibited filing a petition to discharge any special rule that would have the effect of permitting nongermane amendments, or that would provide for the consideration of more than one measure.

⁴For data on the use of earlier forms of the discharge rule, see tables 2 and 3 in archived CRS Report 90-84, *The Discharge Rule in the House of Representatives: Procedure, History, and Statistics*, by Richard S. Beth, pp. 58-59. Reprinted in U.S. Congress, House Committee on Rules, Subcommittee on Rules of the House, *Discharge Petition Disclosure: H.Res. 134*, hearing, 103rd Cong., 1st sess., Sept. 14, 1993 (Washington: GPO, 1993). See also Richard S. Beth, *Control of the House Floor Agenda: Implications from the Use of the Discharge Rule, 1931-1994*, paper presented at the Annual Meeting of the American Political Science Association, Sept. 1, 1994, pp. 6-8.

Data Presented in This Report

This report presents three kinds of data on the use of the discharge procedure: First, for the 90th through 106th Congresses (1967-2000), the report identifies all measures on which a discharge petition was filed that were subjected to any action beyond the committee stage.⁵ Measures are included whether the action occurred pursuant to the discharge rule or to other procedures.⁶ This scope facilitates assessment of the likelihood that a measure on which Members attempt discharge will receive favorable legislative action by any means.

Second, for the entire period from 1931 through 2000 (72nd–106th Congresses), the report provides summary data on the number of discharge petitions filed and their success rates (by several different criteria). For these comprehensive summary data, separate tables cover action under the discharge procedure itself and action under other procedures. A summary table includes action both pursuant to the discharge rule and under other procedures.

Third, from the 103rd Congress forward (1993-2000), the report sets forth the number of signatures received by each discharge petition filed. Prior to the 103rd Congress, the identities of Members signing were disclosed only for discharge petitions that received the required number of signatures. These data are, as a consequence, not available for Congresses before the 103rd.

Recent Discharge Attempts on Measures That Became Available for Floor Action

From 1967 through 2000 (90th–106th Congresses), 209 discharge petitions were filed. Only six of the measures involved reached the floor through the discharge procedure itself. In 16 of the remaining 203 instances, however, either the measure received floor consideration under other procedures, or an alternate measure on the same subject did so. An additional nine measures were reported from committee (or, in one case, the Committee on Rules reported a special rule for considering the measure), either before or after the discharge petition was filed, but the measure saw no further floor action. Table 1 (beginning on pg. 7) provides information on all 32 of these measures. It includes all cases, during the period covered, in which use of the discharge rule may have had some connection with action on a measure beyond the committee stage.

Each entry in Table 1 identifies the measure by number and notes its subject (proposed constitutional amendments include the notation “AMENDMENT”). The table also notes the committee(s) to which the measure was referred, or from which it was reported. It next shows which of the forms of discharge petition was filed, how many signatures it obtained, and whether it resulted in a discharge motion being offered on the floor. The following two columns provide a synopsis of floor action on the measure, as

⁵Comparable information for the 72nd through 100th Congresses (1931-1988) appears as Table 11 in Beth, *Discharge Rule: Procedure* (archived CRS Report 90-84), pp. 93-108.

⁶Corresponding measures may have been taken up by subsequent Congresses without use of the discharge procedure. This report takes no account of subsequent action of this kind.

well as on related special rules and alternate measures. Finally, the table notes the final status of each measure. Throughout, the table provides the numbers of any related measures and the dates of key actions. The following paragraphs detail the significance and use of each of these items.

Form of Discharge Petition. A discharge petition may be filed to bring to the floor any measure that has remained in committee at least 30 legislative days.⁷ A petition may also be filed on a special rule providing that any such measure be extracted from committee and considered, if the special rule has been before the Committee on Rules for at least seven legislative days without being reported. Finally, a petition may be filed on a special rule for considering a measure already reported, if, again, the special rule has been before the Committee on Rules for seven legislative days without action. Table 1 indicates which of these three courses of action was attempted in each case, giving the date the petition was filed and, where applicable, the resolution number of the special rule.⁸

The first two methods of discharge both provide means for securing consideration of a measure on which the committee of referral seems unlikely to act. The second method has the advantage of permitting proponents to draft a special rule that sets appropriate terms for considering and amending the measure. Also, a committee of referral can, by reporting the measure, render a discharge effort moot if the petition is filed on the measure itself, but not if it is filed on a special rule for considering the measure.⁹

The third method of discharge, by contrast, offers the possibility of bringing to the floor a measure that the committee of referral may be willing to see considered, but which the leadership and Committee on Rules seem unlikely to schedule for action. This was a chief use of the discharge rule during the period of “conservative coalition” control of the Committee on Rules (roughly 1937-1960), but has become uncommon in recent years.¹⁰

Number of Signatures. A discharge petition entitles a Member to offer a motion to discharge a committee from a specified measure only after the petition is signed by a majority of the total membership of the House (218 Members). In the 103rd Congress, the House amended the rule to provide that signatures to pending discharge petitions be publicly available. Until then, signatures had been treated as confidential except when the full 218 were obtained. Table 1 notes which petitions obtained the full number of signatures required and, from the 103rd Congress forward, the number of signatures obtained by each other petition listed.

⁷Normally, each day the House meets is a legislative day. A legislative day begins when the House convenes after an adjournment, and ends when the House next adjourns.

⁸Table 2 shows the frequency with which these different forms of discharge have been used in each Congress since 1931.

⁹The Committee on Rules could render a petition to discharge a special rule ineffective by reporting the rule, but in that case any member of the Committee on Rules may call up the special rule after seven legislative days and with one day’s notice House Rule XIII, clause 6(d). *House Manual*, sec. 861.

¹⁰The implications of all three methods of discharge are more fully explained in Beth, *Discharge Rule: Features* (CRS Report 97-552).

Action on Discharge Motion. Once the 218 signatures are obtained, a motion to discharge is entered on a special discharge calendar. Beginning seven legislative days thereafter, the motion may be offered on the second or fourth Monday of each month, except during the last six days of a session. On several occasions during the period examined, after a discharge motion was entered, the House instead accepted a unanimous consent request that the committee be discharged and the measure be considered at a specific time. This report treats the acceptance of such a request as equivalent to the adoption of a discharge motion. When a petition does not obtain 218 signatures, of course, no discharge motion can be offered on the floor, and no discharge vote can occur.

Floor Action. Table 1 reports action pursuant to the discharge rule itself in one column, and that pursuant to other procedures in a separate column. In either case, the pertinent column notes whether the measure was (1) reported from committee after the petition was filed, (2) taken up on the floor, and (3) passed or rejected. If the measure was considered under the terms of a special rule, the table also records floor action on the rule. For measures not considered in Committee of the Whole, the table identifies the procedure under which consideration took place.

Sometimes, although no floor action takes place on the measure that is the subject of the discharge procedure, floor action does occur on some other measure on the same subject. This action may occur because the committee of referral reports the other measure; the leadership schedules it for floor consideration; or the Committee on Rules reports a special rule for considering it. If discharge is sought on a special rule, another possible action is that the Committee on Rules may report a different special rule, providing for consideration of the same measure or an alternative measure.

Any of these actions may represent an attempt to forestall or preempt consideration of the measure on which the petition was filed, or at least to forestall its consideration under the terms of the original special rule. The table identifies cases in which such actions occurred, noting the numbers of the alternative measures and special rules.¹¹

Final Status. A discharge attempt may succeed directly, by bringing a measure to the floor under the discharge rule itself, or indirectly, by bringing it (or another measure on the same subject) to the floor under some other procedure. Yet even when the discharge effort succeeds (in either sense), the measure may still fail to achieve enactment. The House may consider the measure and reject it, or the measure may fail at a later stage of the legislative process. Table 1 notes whether each measure listed became law or (for concurrent or simple resolutions, and for joint resolutions proposing constitutional amendments) otherwise attained final congressional approval. For measures that did not reach final approval, the table notes the last point in the legislative process the measure reached. This information indicates whether a measure failed or succeeded through the discharge effort itself, or because of conditions occurring at other some point in the process.¹²

¹¹Table 4 shows how often, since 1931, these kinds of actions through other procedures have occurred on measures subjected to discharge attempts.

¹²Table 3 shows how often, since 1931, discharge attempts have achieved various degrees of success through the discharge procedure itself.

Timing of Action. Table 1 does not supply a date for every legislative action it lists. It does, however, identify dates on which:

- ! measures were referred or, where pertinent, reported;
- ! discharge petitions were filed;
- ! the required number of signatures was obtained; and
- ! key floor actions took place.

The rule requires petitions to be filed at least 30 legislative days after the date of referral. The interval between referral and filing may suggest how urgent the measure's supporters felt the matter to be, or how much confidence they had in the committee of referral. Similarly, the interval from filing to obtaining 218 signatures, as well as the number of signatures obtained, may indicate the breadth and intensity of support for a measure.

Finally, the interval between the filing or entering of the discharge petition and floor action on the measure may suggest whether the committee, House leadership, or Committee on Rules was attempting to supersede or forestall action pursuant to the discharge procedure. This information accordingly helps to suggest the effectiveness of the discharge procedure in eliciting responsive action by these organs. Such an effect might be inferred, for example, if, after a discharge petition is entered but before the discharge motion can be offered on the floor, the committee reports the measure or the Committee on Rules reports a special rule.

**Table 1. Measures on Which Discharge Petitions Were Filed
and Which Became Available for Floor Action, 1967-2000**

Measure and Subject	Committee Action	Discharge Attempt		Floor Action ^A		Final Status
		Form	Action	Under Discharge Procedure ^B	Under Other Procedures	
90TH CONGRESS (1967-1968)						
none						
91ST CONGRESS (1969-1970)						
H.J.Res. 264 Equal rights AMENDMENT	Referred to Judiciary 1/16/69	Filed 6/11/70 on unreported measure	218 signers obtained 7/20/70; committee discharged	Measure considered 8/10/70 under one-hour rule Measure passed		Senate did not conclude consider- ation
H.R. 17555 Fair employment	Education and Labor reported 8/21/70	Filed 12/9/70 on H.Res. 1273 for reported measure	signers not completed			House did not act
H.R. 18214 Consumer Protection Agency	Government Operations reported 7/30/70	Filed 12/18/70 on H.Res. 1294 for reported measure	signers not completed			House did not act
92ND CONGRESS (1971-1972)						
H.J.Res. 191, School prayer AMENDMENT	Referred to Judiciary 1/22/71	Filed 4/1/71 on unreported measure	218 signers obtained 9/21/71; committee discharged	Measure considered 11/8/71 under one-hour rule Measure rejected		House did not act further

CRS-8

Measure and Subject	Committee Action	Discharge Attempt		Floor Action ^A		Final Status
		Form	Action	Under Discharge Procedure ^B	Under Other Procedures	
H.J.Res. 620, School busing AMENDMENT	Referred to Judiciary 5/6/71	Filed 10/4/71 on H.Res. 610 for unreported measure	signers not completed	Rule reported 8/1/72		House did not act
H.J.Res. 253, District of Columbia representation AMENDMENT	Judiciary reported 2/29/72	Filed 5/1/72 on H.Res. 950 for reported measure	signers not completed			House did not act
93rd CONGRESS (1973-1974)						
none						
94th CONGRESS (1975-1976)						
H.R. 7590 Audit of Federal Reserve agencies	Banking, Currency, and Housing reported 7/10/75	Filed 10/7/95 on H.Res. 746 for reported measure	signers not completed			House did not act
H.R. 9725 Strip mining	Interior and Insular Affairs reported 3/12/76	Filed 4/7/76 on H.Res. 1107 for reported measure	signers not completed			House did not act
95th CONGRESS (1977-1978)						
none						
96TH CONGRESS (1979-1980)						
H.J.Res. 74 School busing AMENDMENT	Referred to Judiciary 1/15/79	Filed 3/21/79 on unreported measure	218 signers obtained 6/27/79; committee discharged	Measure considered 7/24/79 under one-hour rule Measure rejected		House did not act further

CRS-9

Measure and Subject	Committee Action	Discharge Attempt		Floor Action ^A		Final Status
		Form	Action	Under Discharge Procedure ^B	Under Other Procedures	
H.R. 3567 Soft drink distributor antitrust exemption	Referred to Judiciary 4/10/79	Filed 5/8/80 on unreported measure	218 signers obtained 5/29/80		Measure reported 6/20/80 Measure considered by suspension of rules Measure passed S. 598 passed in lieu	P.L. 96-308
H.R. 3263 Regulatory reform	Referred to Judiciary 3/27/79	Filed 7/2/80 on unreported measure	signers not completed		Measure reported 9/25/80	House did not act
97TH CONGRESS (1981-1982)						
H.J.Res. 350 Balanced budget AMENDMENT	Referred to Judiciary 10/29/81	Filed 7/12/82 on H.Res. 450 for unreported measure	218 signers obtained 9/29/82		Alternate rule reported (H.Res. 604) Alternate rule adopted 10/1/84 Measure considered Measure rejected	House did not act further
98TH CONGRESS (1983-1984)						
H.R. 500 Interest and dividend withholding	Referred to Ways and Means 1/6/83	Filed 3/17/83 on unreported measure	218 signers obtained 5/4/83		Measure reported 5/13/83 Alternate measure H.R. 2973 reported 5/13/83 Alternate measure considered by suspension of rules Alternate measure passed	P.L. 98-67
H.R. 1510 Immigration	Judiciary reported 5/13/83, Agriculture 6/27/83, Energy and Commerce, Education and Labor 6/28/83; Ways and Means discharged by terms of referral 6/27/83	Filed 10/28/83 on H.Res. 338 for reported measure	signers not completed		Alternate rule reported 6/8/84 (H.Res. 519) Alternate rule adopted Measure considered Measure passed S. 529 passed in lieu	Conference

CRS-10

Measure and Subject	Committee Action	Discharge Attempt		Floor Action ^A		Final Status
		Form	Action	Under Discharge Procedure ^B	Under Other Procedures	
H.R. 3 Bankruptcy courts	Judiciary reported 2/24/83; Appropriations discharged by terms of referral 3/18/83	Filed 11/2/83 on H.Res. 346 for reported measure	signers not completed		Alternate rule reported 3/20/84 (H.Res. 465) for consideration of alternate measure (H.R. 5174) Alternate rule adopted 3/21/84 Alternate measure considered Alternate measure passed	P.L. 98-353
H.R. 5345 School religious group meetings	Education and Labor reported 4/26/84	Filed 6/21/84 on H.Res. 510 for reported measure	signers not completed		Measure considered by suspension of rules 5/15/84 Measure rejected Rule reported (H.Res. 554) for Senate amendment to H.R. 1310, including similar provisions Rule considered 7/24/84 by suspension of the rules Rule adopted Measure considered by suspension of the rules Measure passed	P.L. 98-377
99TH CONGRESS (1985-1986)						
H.R. 945 Gun control	Referred to Judiciary 2/6/85	Filed 10/22/85 on H.Res. 290 for unreported measure	218 signers obtained 3/13/86		Alternate rule reported 3/19/86 (H.Res. 403) for alternate measure (H.R. 4332) Alternate rule adopted 4/9/86 Alternate measure considered Alternate measure adopted S. 49 adopted in lieu	P.L. 99-308
H.R. 20 Savings and loan regulation	Banking, Finance, and Urban Affairs reported 6/18/85	Filed 7/22/86 on H.Res. 480 for reported measure	signers not completed			House did not act
100TH CONGRESS (1987-1988)						
none						

CRS-11

Measure and Subject	Committee Action	Discharge Attempt		Floor Action ^A		Final Status
		Form	Action	Under Discharge Procedure ^B	Under Other Procedures	
101st CONGRESS (1989-1990)						
H.J.Res. 350 Flag burning AMENDMENT	Referred to Judiciary 6/29/89	Filed 3/28/90 on H.Res. 350 for unreported measure	signers not completed		Alternate rule reported (H.Res. 417) Alternate rule adopted 6/21/90 Measure considered by suspension of rules Measure rejected Alternate measure considered by suspension of rules (H.R. 5091) Alternate measure rejected	House did not act further
H.J.Res. 268 Balanced budget AMENDMENT	Referred to Judiciary 5/11/89	Filed 5/24/90 on H.Res. 391 for unreported measure	218 signers obtained 6/19/90		Alternate rule reported (H.Res. 434) Alternate rule adopted 7/17/90 Measure considered under one-hour rule Measure rejected	House did not act further
102nd CONGRESS (1991-1992)						
H.J.Res. 290 Balanced budget AMENDMENT	Referred to Judiciary 6/26/91	Filed 5/20/92 on H.Res. 450 for unreported measure	218 signers obtained 5/20/92; committee discharged by unanimous consent	Rule adopted 6/10/92 Measure considered Measure rejected		House did not act further
103rd CONGRESS (1993-1994)						
H.Res. 134 Publish discharge motion signatures	Referred to Rules 3/18/93	Filed 5/27/93 on unreported measure	218 signers obtained 9/8/93; committee discharged by unanimous consent	Measure considered 9/28/93 under one-hour rule Measure agreed to		House adopted

CRS-12

Measure and Subject	Committee Action	Discharge Attempt		Floor Action ^A		Final Status
		Form	Action	Under Discharge Procedure ^B	Under Other Procedures	
H.R. 1025 Handgun purchases ("Brady bill")	Referred to Judiciary 2/22/93	Filed 10/7/93 on unreported measure	10 signers		Rule reported 11/9/93 (H.Res. 302) Measure reported 11/10/93 Rule adopted 11/10/93 Measure considered Measure passed	P.L. 103-159
H.J.Res. 103 Balanced budget AMENDMENT	Referred to Judiciary 2/4/93	Filed 2/24/94 on H.Res. 331 for unreported measure	218 signers obtained 2/24/94; committee discharged by unanimous consent	Rule adopted 3/16/94 Measure considered Measure rejected		House did not act further
H.J.Res. 131 Pearl Harbor remembrance day	Referred to Post Office 3/3/93	Filed 5/25/94 on unreported measure	7 signers		Measure reported 7/12/94 Measure considered by unanimous consent Measure passed	P.L. 103-308
S. 1458 Aircraft manufacturer liability	Public Works reported 5/24/94; referred to Public Works, Judiciary, 3/18/94	Filed 5/26/94 on H.Res. 405 for unreported measure	160 signers		Measure reported 6/24/94 (Judiciary) Measure considered by suspension of rules Measure passed	P.L. 103-298
104th CONGRESS (1995-1996)						
H.R. 125 Semi-automatic assault weapons	Referred to Judiciary 1/4/95	(1) Filed 3/15/95 on unreported measure	26 signers			
		(2) Filed 2/23/96 on H.Res. 364 for unreported measure	3 signers		Alternate rule reported (H.Res. 388) Alternate rule adopted 3/22/96 Measure considered under one-hour rule Measure passed	Senate did not act

CRS-13

Measure and Subject	Committee Action	Discharge Attempt		Floor Action ^A		Final Status
		Form	Action	Under Discharge Procedure ^B	Under Other Procedures	
H.R. 1710 Terrorism	Referred to Judiciary 5/25/95	Filed 11/7/95 on H.Res. 240 for unreported measure	2 signers		Measure reported 12/5/95	House did not act
H.R. 1627 Pesticides and food safety	Referred to Agriculture, Commerce 5/12/95	Filed 5/25/96 on H.Res. 443 for unreported measure	41 signers		Measure reported 6/11/96 (Agriculture) 7/23/96 (Commerce) Measure considered 7/23/96 by suspension of rules Measure passed	P.L. 104-170
H.R. 2275 Endangered Species Act amendments	Referred to Resources, Agriculture 9/7/95	Filed 7/17/96 on H.Res. 466 for unreported measure	51 signers		Measure reported 9/9/96 (Resources) Agriculture discharged 9/9/96 by terms of referral	House did not act
105TH CONGRESS (1997-1998)						
H.R. 3580 Supplemental appropriations	Appropriations reported 3/27/96	Filed 6/25/98 on H.Res. 473 for reported measure	45 signers			House did not act
106TH CONGRESS (1999-2000)						
H.R. 417 Campaign finance	Referred to House Administration, Education and Workforce, Government Reform, Judiciary, Ways and Means, Rules, 1/19/99	(1) Filed 4/14/99 on H.Res. 122 for unreported measure (2) Filed 4/20/99 on H.Res. 126 for unreported measure	202 signers 3 signers (one additional signature withdrawn)		Measure reported adversely 8/5/99 (House Administration) Other committees discharged by terms of referral, 8/5/99 Alternate rule reported (H.Res. 283) Alternate rule adopted 9/14/99 Measure passed	Senate did not act

Notes for Table 1

Source: U.S. Congress, House of Representatives, *Calendars of the United States House of Representatives and History of Legislation*, Final edition [95th-106th Congresses] (Washington: GPO [various years]). Congressional Legislative Information System data base on legislative status, at [<http://www.congress.gov/>]. Records of discharge petitions and signatures thereto in the Legislative Resource Center of the House of Representatives (also available for recent Congresses at [<http://clerkweb.house.gov/mbrcmtee/legis/pastleg.htm>]). The author expresses appreciation to that office for assistance with access to those records, and to Hettie J. Beth for assistance in compiling some of the data reported.

^A Floor action on the measure took place in Committee of the Whole unless otherwise indicated.

^B Including action pursuant to unanimous consent requests with equivalent effect after petition obtained full number of signatures.

Use and Success of the Discharge Procedure

Frequency of Discharge Attempts

The data presented in this section place the events reported by Table 1 in context of the overall experience of the House with discharge attempts. Table 2 shows fluctuations in the overall frequency with which House Members initiated discharge attempts. After the present form of rule was established in 1931, its use remained relatively common throughout the New Deal and World War II periods. In the 1950s and 1960s, during the ascendancy of the “conservative coalition” and the following period of substantial Democratic majorities, the rule was used much less frequently.

The increase in discharge attempts in the 1970s may reflect the search for new means of agenda access by the increasingly assertive Republican minority of the period. A corresponding decline in the 1980s may reflect a developing sense that discharge offered no promising avenue toward that end. Because a successful discharge attempt requires support from a majority of the House, Members may have found the procedure ill-adapted to measures favored chiefly among the minority party. More frequent use of discharge in the 103rd and 104th Congresses appears to have been encouraged by both the 1993 amendment to the rule, making the names of signers public (see previous section), and the change of party control in the House in 1995. It is not yet clear whether these increases will prove enduring.

Use of the Three Forms of Discharge

The 1931 discharge rule was drafted with the idea that the method of discharging the Committee on Rules from a special rule to extract an unreported measure from committee and bring it to the floor would become the normal use of the rule.¹³ As Table 2 shows, however, in most Congresses since that time, most Members attempting to use the discharge procedure to bring an unreported measure to the floor appear to have been either unaware of this method of discharge, or not attracted by its potential advantages. Only in four Congresses, including the 104th and 106th, were discharge petitions against special rules on unreported measures more common than those against unreported measures themselves.

Table 2 also indicates that attempts to discharge special rules for the consideration of reported measures occurred chiefly during the period of “conservative coalition” control of the Committee on Rules (roughly 1937-1960). During this period, the Committee on Rules recurrently declined to respond to committee and leadership requests to report special rules for considering measures reported by committees. Supporters of these measures sometimes sought to overcome this obstacle by attempting to discharge the Committee on Rules from a special rule for considering the reported measure. The data in Table 2 suggest that, because this situation made Members focus on the possibility of

¹³Beth, *Control of the Floor Agenda*, pp. 13-14, 20-23.

discharge on special rules for reported measures, it may have led them to overlook that the discharge procedure could also be used on special rules for unreported measures.

Table 2. Discharge Petitions Filed, 1931-2000

Congress and (Years)	Discharge Petitions Filed			Total
	On Unreported Measures (Other than Special Rules)	On Special Rules for Considering		
		Unreported Measures	Reported Measures	
72 nd (1931-1933)	9	-	3 ^A	12
73 rd (1933-1934)	28	-	3	31
74 th (1935-1936)	25 ^B	4	4	33 ^B
75 th (1937-1938)	20	20	3	43
76 th (1939-1940)	21 ^C	14	2	37 ^C
77 th (1941-1942)	11	4	-	15
78 th (1943-1944)	14	7	-	21
79 th (1945-1946)	28	6	1	35
80 th (1947-1948)	15	3	2	20
81 st (1949-1950)	24	3	7	34
82 nd (1951-1952)	14	-	-	14
83 rd (1953-1954)	6	-	4	10
84 th (1955-1956)	3	2	1	6
85 th (1957-1958)	2	1	4	7
86 th (1959-1960)	1	3	3	7
87 th (1961-1962)	2	4	-	6
88 th (1963-1964)	2	2	1	5
89 th (1965-1966)	4	2	-	6
90 th (1967-1968)	2	2	-	4
91 st (1969-1970)	9	1	2	12
92 nd (1971-1972)	13	1	1	15
93 rd (1973-1974)	9	1	-	10
94 th (1975-1976)	13	-	2	15
95 th (1977-1978)	11	-	-	11
96 th (1979-1980)	13	1	-	14

Congress and (Years)	Discharge Petitions Filed			Total
	On Unreported Measures (Other than Special Rules)	On Special Rules for Considering		
		Unreported Measures	Reported Measures	
97 th (1981-1982)	23	1	-	24
98 th (1983-1984)	6	4	3	13
99 th (1985-1986)	6	3	1	10
100 th (1987-1988)	3	2 ^D	-	5 ^D
101 st (1989-1990)	5	3	-	8
102 nd (1991-1992)	5	3	-	8
103 rd (1993-1994)	14	12	-	26
104 th (1995-1996)	2	13	-	15
105 th (1997-1998)	4 ^E	3	1	8
106 th (1999-2000)	-	11	-	11
TOTAL (1931-2000)	367	136	48	551

Source: *House Final Calendars* for the Congresses indicated. Beth, *Discharge Rule: Procedure*, pp. 77-82. Beth, *Control of the House Floor Agenda*, pp. 62-63. Table 1.

^A Includes one measure reported adversely.

^B Includes one petition whose type is unknown.

^C Includes one petition filed and later withdrawn.

^D One petition was filed on a rule for considering two measures. It is counted as one petition and not two.

^E Includes one petition to waive a rule to permit introduction and consideration of a bill.

Success of Discharge Attempts

Table 3 indicates the success of discharge petitions at bringing about action through the discharge procedure itself.¹⁴ Only in a few Congresses since 1947 has more than one petition received the full 218 signatures needed for entry on the discharge calendar. On average throughout the entire period, no more than one in ten petitions has been entered.

Getting the measure to the floor. Between 1939 and 1972, when a discharge petition was entered, the motion was almost always offered on the floor and almost always approved. If supporters of a measure could secure 218 signatures, they could be confident that their measure would receive floor consideration through the discharge procedure. Before and after that period, however, entry of a petition did not guarantee that a discharge motion would ever actually be offered on the floor, much less adopted. Instead, the committees of referral, the leadership, and the Committee on Rules commonly used a variety of devices to preempt further proceedings under the discharge rule. In the 1980s and 1990s, these often involved bringing up the measure, or an alternative proposal, under terms of an alternative special rule reported from the Committee on Rules. When this course of action occurs, proponents of the discharge effort succeed in bringing about consideration of legislation on the subject, but not necessarily of their preferred measure, and not on their own terms.

Passing the measure. Even when a measure does come to the floor pursuant to the discharge procedure, it still does not guarantee that the House will agree to the measure. This finding might be thought surprising, for a measure can reach the floor through discharge only if a majority of Members (1) sign the petition, (2) vote for the discharge motion, and also (3) vote for the special rule or consideration of the measure. A measure that can pass these tests would seem to have a manifest capacity to command majority support in the House. Many of the measures reaching the floor through discharge, however, have been proposed constitutional amendments. Recent examples begin with the Equal Rights Amendment in the 91st Congress, and continue through the Balanced Budget Amendment in the 97th and 100th through 103rd Congresses; several appear in Table 1. Such proposals may possess the majority support required for discharge, yet lack the two-thirds support required for their adoption.

Enacting the measure. Finally, only two measures have become law after being considered pursuant to discharge: a federal pay act in the 86th Congress, and the Wages and Hours Act in the 75th (the first minimum wage law). Measures facing sufficient opposition to block their consideration in the House under regular procedures often suffer from strong opposition at other stages of the legislative process as well.

¹⁴For the success of discharge petitions at bringing about action through other procedures, see the next section and Table 4.

Table 3. Proceedings Under the House Discharge Rule, 1931-2000

Congress and (Years)	Discharge Petitions Filed	Discharge Motion		Committee Discharged	Underlying Measure ^C	
		Entered ^A	Called up ^B		Passed House	Received Final Approval ^D
72 nd (1931-1933)	12	5	5	1	1	-
73 rd (1933-1934)	31	6	1	1	1	-
74 th (1935-1936)	33	3	2	2 ^E	-	-
75 th (1937-1938)	43	4	4	3 ^F	2	1
76 th (1939-1940)	37 ^G	2	2	2	2	-
77 th (1941-1942)	15	1	1	1	1	-
78 th (1943-1944)	21	3	3	3	3	1 ^H
79 th (1945-1946)	35	3	1	1	1	-
80 th (1947-1948)	20	1	1	1	1	-
81 st (1949-1950)	34	3 ^I	1	1	1	-
82 nd (1951-1952)	14	-	-	-	-	-
83 rd (1953-1954)	10	1	1	1	1	-
84 th (1955-1956)	6	-	-	-	-	-
85 th (1957-1958)	7	1	1	1	1	-
86 th (1959-1960)	7	1	1	1	1	1
87 th (1961-1962)	6	-	-	-	-	-
88 th (1963-1964)	5	-	-	-	-	-
89 th (1965-1966)	6	1	1	1	1	-
90 th (1967-1968)	4	-	-	-	-	-
91 st (1969-1970)	12	1	1	1	1	-
92 nd (1971-1972)	15	1	1	1	-	-
93 rd (1973-1974)	10	-	-	-	-	-
94 th (1975-1976)	15	-	-	-	-	-
95 th (1977-1978)	11	-	-	-	-	-
96 th (1979-1980)	14	2	1	1	-	-
97 th (1981-1982)	24	1	-	-	-	-
98 th (1983-1984)	13	1	-	-	-	-
99 th (1985-1986)	10	1	-	-	-	-

Congress and (Years)	Discharge Petitions Filed	Discharge Motion		Committee Discharged	Underlying Measure ^C	
		Entered ^A	Called up ^B		Passed House	Received Final Approval ^D
100 th (1987-1988)	5 ^J	-	-	-	-	-
101 st (1989-1990)	8	1	-	-	-	-
102 nd (1991-1992)	8	1 ^K	1 ^K	1 ^K	-	-
103 rd (1993-1994)	26	2 ^K	2 ^K	2 ^K	1	1 ^H
104 th (1995-1996)	15	-	-	-	-	-
105 th (1997-1998)	8	-	-	-	-	-
106 th (1999-2000)	11	-	-	-	-	-
TOTALS (1931-2000)	551	46	31	26	19	4

Source: *House Final Calendars* for the Congresses indicated. Beth, *Discharge Rule: Procedure*, pp. 74-75. Table 1.

^A A discharge petition is “entered” on the discharge calendar when it receives the signatures of 218 Members.

^B A discharge motion may be offered on the floor on any second or fourth Monday falling at least seven legislative days after the discharge petition is entered (as described in the previous note). Usually, each day on which the House convenes is a legislative day.

^C A discharge petition may be filed to bring to the floor either a substantive measure in committee or a “special rule” from the Committee on Rules providing for House consideration of such a measure that is either in committee or was previously reported. The last two columns of this table reflect action on the underlying substantive measure, not on the special rule, if any, on which discharge was directly sought.

^D Includes measures that reached the following status: (1) became law, for bills and joint resolutions; (2) submitted to the states for ratification; for joint resolutions proposing constitutional amendments; (3) agreed to by the House, for House resolutions; and (4) finally agreed to by both chambers, for concurrent resolutions.

^E One of the measures from which a committee was discharged was not subsequently considered by the House.

^F The Committee on Rules was discharged from a special rule for consideration of one measure, and the measure was then taken up but recommitted. The Committee on Rules was subsequently discharged from a second special rule for considering the measure. This measure is counted twice in this column and those further to the left, but only once in those further to the right.

^G Includes one petition filed and later withdrawn.

^H Resolution changing House rules.

^I Includes one petition entered with respect to a special rule on a measure and another entered on the same measure directly.

^J Includes one petition filed on a special rule for considering two measures.

^K Includes one measure in the 102nd Congress, and two in the 103rd, from which the committee was discharged, and which were brought to the floor, by unanimous consent, after the discharge petition was entered.

Other Forms of Action on Measures Subjected to Discharge Attempts

Action After a Petition Is Entered. The entry of a discharge petition practically guarantees that supporters will have an opportunity to bring the measure to the floor. When action occurs at this point not pursuant to the discharge rule itself, but under other procedures, it presumably represents an attempt by the committee, leadership, or Committee on Rules to recover control of the floor by taking action to preempt the opportunity that the discharge rule itself affords. The left-hand portion of Table 4 shows how frequently measures received floor action under other procedures after a discharge petition received 218 signatures and was entered on the discharge calendar.

From 1951 through 1978, such action never occurred; previously and thereafter, it occurred seldom. Yet every measure that has reached the floor after a discharge petition was entered, but under other procedures, has been passed by the House and gone on to final approval, except proposed constitutional amendments (the Balanced Budget Amendment in the 97th and 101st Congresses). This record of success is substantially more favorable than that for measures considered pursuant to the discharge procedure itself.

Before 1951, when alternative floor action occurred after a petition was entered, it usually meant that the committee of referral would report and call up the measure under usual procedures. After 1978, by contrast, the committee usually did not report the measure; instead, the alternative action usually involved consideration of an alternative special rule or alternative measure on the same subject. Alternative actions of this sort are included in Table 4 when identifiable. Most recently, however, supporters of discharge have not permitted these attempted alternative actions to forestall further proceedings by discharge. Instead, the last three times a petition has been entered (including Balanced Budget Amendments in the 102nd and 103rd Congresses; see Table 1), supporters have arranged for the committee to be discharged, and for the measure to be considered, by unanimous consent.

Action When No Petition Is Entered. The right-hand side of Table 4 shows that alternative action has occurred more frequently on measures for which discharge petitions had not achieved the requisite 218 signatures. Approximately half the measures considered under such circumstances proceeded to final approval, a proportion intermediate between that for measures considered pursuant to discharge and for measures considered under alternate procedures after a petition was entered. Again, action on alternative measures on the same subject, or pursuant to alternative special rules, is included in Table 4 where it could be identified.

Action on measures with petitions pending was especially common before the mid-1960s, then disappeared entirely until the 1980s. The alternative action in these cases may represent attempts by the committee of referral, or the leadership, to preempt a discharge effort that they perceive as likely to succeed. For petitions that attract few signers, however, the force of discharge as a threat is presumably minimal, so that any alternative

action may have occurred simply in the normal course of committee and leadership activity. Some of these discharge efforts may have occurred in part because supporters of the measures underestimated the likelihood of success through normal procedures. For Congresses prior to the 103rd, of course, there is usually no way of knowing definitely whether a petition obtained few or many signatures.

Summary

Table 5 brings together action under other procedures that may have been related to the presence of a discharge effort, as discussed just above, with action under the discharge rule itself, as discussed in the previous section. The first three data columns in Table 5 repeat the last three columns of Table 2, on action under the discharge rule, except for omitting one early case in which the House voted for discharge but never considered the measure in question. The second three data columns represent the sum of the entries in the two parts of Table 4, on action under other procedures on measures subjected to discharge attempts. The last three columns represent the sum of the entries in the previous two parts of the table, thereby covering all action on measures on which discharge attempts took place.

These summary columns show that overall, between 1931 and 2000, 66 of the 551 measures against which discharge petitions were filed were considered in the House either by discharge or under other procedures. As already mentioned, an additional few were reported, though not considered. Some of these measures may have received action for reasons unrelated to the filing of the discharge petition. Supporters of most, however, presumably believed discharge action necessary because the measure was otherwise unlikely to reach the floor, and also believed that attempting discharge would enhance the measure's prospects. The frequency with which measures on which discharge petitions were filed reach the floor by some means, as compared with the frequency for all measures, offers some support for this proposition.

**Table 4. Measures on Which Discharge Petitions Were Filed,
But That Received Action Under Other Procedures, 1931-2000**

Congress and (Years)	Action on Measure After Petition Entered ^A			Action on Measure Without Petition Being Entered ^A		
	Considered	Passed House	Received Final Approval ^B	Considered	Passed House	Received Final Approval ^B
72 nd (1931-1933)	-	-	-	1	1	-
73 rd (1933-1934)	1	1	1	-	-	-
74 th (1935-1936)	-	-	-	3	3	2
75 th (1937-1938)	-	-	-	2	1	1
76 th (1939-1940)	-	-	-	2	2	1
77 th (1941-1942)	-	-	-	-	-	-
78 th (1943-1944)	-	-	-	-	-	-
79 th (1945-1946)	2	2	2	-	-	-
80 th (1947-1948)	-	-	-	1	1	1
81 st (1949-1950)	1	1	1	4	3	-
82 nd (1951-1952)	-	-	-	1	1	1
83 rd (1953-1954)	-	-	-	1	1	1
84 th (1955-1956)	-	-	-	1	1	-
85 th (1957-1958)	-	-	-	4 ^C	4 ^C	2 ^C
86 th (1959-1960)	-	-	-	1	1	1
87 th (1961-1962)	-	-	-	-	-	-
88 th (1963-1964)	-	-	-	1	1	1
89 th (1965-1966)	-	-	-	-	-	-
90 th (1967-1968)	-	-	-	-	-	-
91 st (1969-1970)	-	-	-	-	-	-
92 nd (1971-1972)	-	-	-	-	-	-
93 rd (1973-1974)	-	-	-	-	-	-
94 th (1975-1976)	-	-	-	-	-	-
95 th (1977-1978)	-	-	-	-	-	-
96 th (1979-1980)	1	1	1	-	-	-
97 th (1981-1982)	1	-	-	-	-	-
98 th (1983-1984)	1	1	1	3	3	2

Congress and (Years)	Action on Measure After Petition Entered ^A			Action on Measure Without Petition Being Entered ^A		
	Considered	Passed House	Received Final Approval ^B	Considered	Passed House	Received Final Approval ^B
99 th (1985-1986)	1	1	1	-	-	-
100 th (1987-1988)	-	-	-	-	-	-
101 st (1989-1990)	1	-	-	1	-	-
102 nd (1991-1992)	-	-	-	-	-	-
103 rd (1993-1994)	-	-	-	3	3	3
104 th (1995-1996)	-	-	-	2	2	1
105 th (1997-1998)	-	-	-	-	-	-
106 th (1999-2000)	-	-	-	1	1	-
TOTAL (1931-2000)	9	7	7	32	29	17

Source: *House Final Calendars* for the Congresses indicated. Beth, *Discharge Rule: Procedure*, pp. 86-89. Table 1.

^A Includes action on alternate measures, where identifiable. A discharge petition is “entered” on the discharge calendar when it receives the signatures of 218 Members.

^B Includes measures that reached the following status: (1) became law, for bills and joint resolutions; (2) submitted to the states for ratification; for joint resolutions proposing constitutional amendments; (3) agreed to by the House, for House resolutions; and (4) finally agreed to by both chambers, for concurrent resolutions.

^C Petitions were filed on special rules for both initial consideration of, and disposition of Senate amendments to, one measure. On each occasion the Committee on Rules reported, and the House adopted, an alternate special rule. This measure is accordingly counted twice in the “considered” and “passed House” columns, but only once under “received final approval.”

Table 5. Action on Measures on Which Discharge Petitions Were Filed, 1931-2000

Congress (and years)	Action Under Discharge Procedure ^A			Action Under Other Procedures ^A			Total ^A		
	Considered	Passed House	Received Final Approval ^B	Considered	Passed House	Received Final Approval ^B	Considered	Passed House	Received Final Approval ^B
72 nd (1931-1933)	1	1	-	1	1	-	2	2	-
73 rd (1933-1934)	1	1	-	1	1	1	2	2	1
74 th (1935-1936)	1 ^C	-	-	3	3	2	4	3	2
75 th (1937-1938)	3 ^D	2	1	2	1	1	5 ^D	3	2
76 th (1939-1940)	2	2	-	2	2	1	4	4	1
77 th (1941-1942)	1	1	-	-	-	-	1	1	-
78 th (1943-1944)	3	3	1 ^E	-	-	-	3	3	1 ^E
79 th (1945-1946)	1	1	-	2	2	2	3	3	2
80 th (1947-1948)	1	1	-	1	1	1	2	2	1
81 st (1949-1950)	1	1	-	5	4	1	6	5	1
82 nd (1951-1952)	-	-	-	1	1	1	1	1	1
83 rd (1953-1954)	1	1	-	1	1	1	2	2	1
84 th (1955-1956)	-	-	-	1	1	-	1	1	-
85 th (1957-1958)	1	1	-	4	4	2 ^F	5	5	2 ^F
86 th (1959-1960)	1	1	1	1	1	1	2	2	2
87 th (1961-1962)	-	-	-	-	-	-	-	-	-
88 th (1963-1964)	-	-	-	1	1	1	1	1	1
89 th (1965-1966)	1	1	-	-	-	-	1	1	-

Congress (and years)	Action Under Discharge Procedure ^A			Action Under Other Procedures ^A			Total ^A		
	Considered	Passed House	Received Final Approval ^B	Considered	Passed House	Received Final Approval ^B	Considered	Passed House	Received Final Approval ^B
90 th (1967-1968)	-	-	-	-	-	-	-	-	-
91 st (1969-1970)	1	1	-	-	-	-	1	1	-
92 nd (1971-1972)	1	-	-	-	-	-	1	-	-
93 rd (1973-1974)	-	-	-	-	-	-	-	-	-
94 th (1975-1976)	-	-	-	-	-	-	-	-	-
95 th (1977-1978)	-	-	-	-	-	-	-	-	-
96 th (1979-1980)	1	-	-	1	1	1	2	1	1
97 th (1981-1982)	-	-	-	1	-	-	1	-	-
98 th (1983-1984)	-	-	-	4	4	3	4	4	3
99 th (1985-1986)	-	-	-	1	1	1	1	1	1
100 th (1987-1988)	-	-	-	-	-	-	-	-	-
101 st (1989-1990)	-	-	-	2	-	-	2	-	-
102 nd (1991-1992)	1 ^G	-	-	-	-	-	1 ^G	-	-
103 rd (1993-1994)	2 ^G	1	1 ^E	3	3	3	5 ^G	4	4 ^E
104 th (1995-1996)	-	-	-	2	2	1	2	2	1
105 th (1997-1998)	-	-	-	-	-	-	-	-	-
106 th (1999-2000)	-	-	-	1	1	-	1	1	-
TOTALS (1931-2000)	25	19	4	41	36	24	66	55	28

Source: Tables 3 and 4.

Notes appear on following page.

Notes to Table 5

^A Includes action on alternate measures, where identifiable.

^B Includes measures that reached the following status: (1) became law, for bills and joint resolutions; (2) submitted to the states for ratification, for joint resolutions proposing constitutional amendments; (3) agreed to by the House, for House resolutions; and (4) finally agreed to by both chambers, for concurrent resolutions.

^C On one additional measure, not counted in this table, the committee was discharged but the House never proceeded to consider the measure.

^D The Committee on Rules was discharged from a special rule for the consideration of one measure, and the measure was then considered but recommitted. The Committee on Rules was subsequently discharged from a second special rule for considering the measure. This measure is counted twice under “considered” but only once under “passed House” and “received final approval.”

^E One resolution changing House rules.

^F For one measure, petitions were filed on special rules both for initial consideration and for disposition of Senate amendments. On each occasion the Committee on Rules reported, and the House adopted, an alternate special rule. This measure is accordingly counted twice in the “considered” and “passed House” columns, but only once under “received final approval.”

^G Includes one measure in the 102nd Congress, and two in the 103rd, that were taken from committee and brought to the floor by unanimous consent after the discharge petition was entered.

Number of Signers

Prior to the 103rd Congress (1993-1994), the names of Members signing a discharge petition were treated as confidential unless the full required number of Members signed, in which case the names were printed in the *Congressional Record*.¹⁵ Pursuant to an amendment to the rule adopted in 1993, names of those signing discharge petitions each week are now also printed in the last issue of the *Record* for that week. In addition, the names of signers of discharge petitions are available through the Office of the Clerk.¹⁶ The listings in the *Record* identify discharge petitions only by the number of the measure against which they are filed; their subjects are set forth in the index entry for “Discharge” in the *House Calendar*.¹⁷

Tables 6 through 9 list all the discharge petitions filed in the 103rd through 106th Congresses (respectively) in order of the number of Members signing each. These tables offer a sense of the range of support that discharge petitions may attract.

Each petition is identified by (1) its number, (2) the special rule, if any, that it proposes to bring to the floor, and (3) the number and subject of the underlying measure that it proposes ultimately to bring to the floor. These listings enable identification of what subjects have been addressed by discharge attempts during the past three Congresses. Also shown is the date on which each petition was filed, for the number of signatures obtained may be affected by how late in the Congress the discharge process was initiated. Where known, certain other circumstances that may have affected the number of signatures obtained are also noted.

Examination of these tables shows that the levels of support discharge petitions obtain fall into groupings fairly clearly separated in size. Although no assurance can be given that future Congresses may display similar groupings, the consistency with which these have continued to appear may suggest the presence of a general pattern.

A first grouping includes only three petitions (all in the 103rd Congress) that gained more signatures than the strength of the minority party. Two of these attained the full 218 signatures; the third, on the “A to Z” spending reduction measure, fell short of that level because of an active counter-campaign by the leadership.¹⁸ Petitions that reach this level

¹⁵On this change in rules, see Subcommittee on Rules of the House, *Discharge Petition Disclosure*.

¹⁶They may be examined by request at the Legislative Resource Center, Office of the Clerk, B106 Cannon House Office Building. For recent Congresses, they are also posted on the Clerk’s web site through: [<http://clerkweb.house.gov/mbrcmtee/legis/pastleg.htm>].

¹⁷*Calendars of the United States House of Representatives and History of Legislation* is published by the Clerk of the House and distributed to congressional offices each day the House is in session. Its index appears in the first issue published during each week. The contents of this document are cumulative throughout the Congress, so that the final edition for each Congress is a useful compilation of information about its actions.

¹⁸George Hager, “Appeal of ‘A to Z’ Puts Leaders in a Precarious Position,”
(continued...)

of support evidently must draw at least some support from each party, and therefore may be most likely to appear on legislation that commands support from a bipartisan coalition.

A second grouping of 26 petitions was signed by fewer Members than the strength of the minority party, but more than half that number (usually, by more than 100). Petitions with this level of support appear especially in the 103rd and 106th Congresses; in the 106th, in fact, almost all petitions fell in this grouping. House records do not identify the party of signers, but this level of support suggests a discharge effort that may have been favored principally by the minority, sometimes by an essentially united party and at least by a majority thereof.

During the four Congresses covered, only two petitions received between 60 and 95 signatures. Thirteen, by contrast, received between 30 and 60 signatures. Whether or not the signers drew principally from a single party in the House, petitions in this third grouping cannot be associated with a party in the same sense as some may be in the previous one, inasmuch as their level of support could not constitute a majority of either party. This level of support nevertheless represents a potentially significant segment of the House, so that it may often be appropriate to view these petitions as representing factional discharge efforts.

A fourth grouping includes the nine petitions that obtained three signatures or fewer. These appear to be understandable essentially as individualistic discharge efforts. The remaining eight petitions obtained between seven and 30 signatures, arrayed more loosely between the third and fourth groups. Some of these might also be considered factional discharge efforts.

¹⁸(...continued)

Congressional Quarterly Weekly Report, vol. 52, June 25, 1994, pp. 1681-1684. George Hager, "Gephardt Pledges Votes on Cuts As 'A to Z' Holds at 204 Signers," *Congressional Quarterly Weekly Report*, vol. 52, July 2, 1994, p. 1773.

**Table 6. Discharge Petitions in the 103rd House (1993-1994),
by Number of Signers**

Petition Number	Date Filed	Measure Subjected to Discharge			Final Number of Signers
		Special Rule (If Any)	Underlying Measure		
			Number	Subject	
2	5/27/93	- - -	H.Res. 134	Public discharge signatures	218
14	2/24/94	H.Res. 331	H.J.Res. 103	Balanced budget constitutional amendment	218
16	5/4/94	H.Res. 407	H.R. 3266	Spending reductions ("A to Z bill")	204
25	8/3/94	H.Res. 489	H.R. 410	Unfunded mandates	173
13	2/9/94	- - -	H.Res. 281	Sense of House on child pornography	167
21	5/26/94	H.Res. 405	S. 1458	Aircraft manufacturer liability	160
23	6/29/94	- - -	H.R. 3875	Protect property against environmental enforcement (wetlands, species)	149
17	5/4/94	H.Res. 368	H.R. 3500	Welfare reform	147
18	5/11/94	H.Res. 402	H.R. 300	Social security earnings test	133
11	1/26/94	- - -	H.Res. 247	Point of order against retroactive taxes	128
1	5/11/93	- - -	H.R. 493	Line item rescission	127
12	2/9/94	- - -	H.R. 3261	Internal Revenue Service (IRS) staff liability for litigation awards	116
3	7/1/93	- - -	H.J.Res. 38	Term limits constitutional amendment	109
10	11/21/93	H.Res. 295	H.R. 2672	Crime	107
19	5/17/94	H.Res. 415	H.R. 830	Judicial review of Regulatory Flexibility Act compliance	102
4	9/23/93	- - -	H.J.Res. 9	Balanced budget constitutional amendment	97
15	3/24/94	H.Res. 382	H.R. 65	Military disability and retirement	54

Petition Number	Date Filed	Measure Subjected to Discharge			Final Number of Signers
		Special Rule (If Any)	Underlying Measure		
			Number	Subject	
5	9/28/93	- - -	H.Res. 156	Debt limit	53
22	6/22/94	H.Res. 409	H.R. 3835	Advisory referendum on term limits	52
26	8/5/94	H.Res. 472	H.R. 3801	Congressional reform	49
9	10/19/93	- - -	H.Res. 227	Somalia withdrawal	47
6	10/7/93	- - -	H.R. 1025	Handgun regulation	10
20	5/25/94	- - -	H.J.Res. 131	Pearl Harbor remembrance day	7
2	7/12/94	H.Res. 459	H.R. 3266	Spending reductions ("A to Z bill")	2
7	10/14/93	- - -	H.J.Res. 146	Term limits constitutional amendment	1
8	10/14/93	- - -	H.Res. 125	House reform	1

Source: See Table 9.

**Table 7. Discharge Petitions in the 104th House (1995-1996),
by Number of Signers**

Petition Number	Date Filed	Measure Subjected to Discharge			Final Number of Signers
		Special Rule (If Any)	Underlying Measure		
			Number	Subject	
8	1/24/96	H.Res. 292	H.R. 2409	Debt limit	173
6	11/17/95	H.Res. 242	H.R. 2261	Lobbying; gift ban	88
2	3/22/95	H.Res. 111	H.R. 807	International Monetary Fund (IMF) assistance to Mexico	55
15	7/17/96	H.Res. 466	H.R. 2275	Endangered species amendments	51
12	3/21/96	H.Res. 373	H.R. 2566	Campaign finance	46
13	6/25/96	H.Res. 443	H.R. 1627	Pesticides and food safety	41
1	3/15/95	- - -	H.R. 125	Repeal assault weapon ban	26
9	1/30/96	H.Res. 333	H.R. 2530	Budget balancing	25
4	5/3/95	H.Res. 127	H.Res. 40	Gift ban	23
7	11/9/95	H.Res. 246	H.R. 302	Debt limit	17
14	6/27/96	H.Res. 425	H.R. 2915	Welfare reform	16
11	3/7/96	H.Res. 364	H.R. 125	Repeal assault weapon ban	3
5	11/7/95	H.Res. 240	H.R. 1710	Terrorism	2
10	3/7/96	H.Res. 210	H.R. 464	Repeal assault weapon ban	1
3	4/5/95	- - -	H.R. 920	Repeal Violent Crime Control and Law Enforcement Act of 1994	1

Source: See Table 9.

**Table 8. Discharge Petitions in the 105th House (1997-1998),
by Number of Signers**

Petition Number	Date Filed	Measure Subjected to Discharge			Final Number of Signers
		Special Rule (If Any)	Underlying Measure		
			Number	Subject	
3	10/24/97	H.Res. 259	H.R. 1366	Campaign finance	191 ^A
7	7/20/98	H.Res. 486	H.R. 3605	Patients' rights	189 ^B
4	6/11/98	- - -	H.R. 306	Genetic discrimination	64
6	6/25/98	H.Res. 473	H.R. 3580	Supplemental appropriations	45
1	9/11/97	- - -	H.Res. 141	Presidents' Day holiday	40
2	10/9/97	- - -	H.R. 1984	Air quality standards moratorium	31
5	6/23/98	H.Res. 467	H.R. 3526	Campaign finance	8
8	9/17/98	- - -	H.R. 836	Filipino military service	1

Source: See Table 9.

^A Sixteen additional Members signed and later withdrew their signatures.

^B One additional Member signed and later withdrew the signature.

**Table 9. Discharge Petitions in the 106th House (1999-2000),
by Number of Signers**

Petition Number	Date Filed	Measure Subjected to Discharge			Final Number of Signers
		Special Rule (if any)	Underlying Measure		
			Number	Subject	
1	4/14/99	H.Res. 122	H.R. 417	Campaign finance	202
10	6/21/00	H.Res. 508	H.R. 3688	Campaign finance	196
9	5/11/00	H.Res. 478	H.R. 773	Older Americans Act reauthorization	191
5	8/4/99	H.Res. 240	H.R. 1660	Public school modernization	189
3	6/23/99	H.Res. 197	H.R. 358	“Patients’ Bill of Rights”	184
11	6/21/00	H.Res. 520	H.R. 2457	Genetic discrimination	178
6	10/5/99	H.Res. 301	H.R. 325	Minimum wage	165
7	2/16/00	H.Res. 371	H.R. 664	Medicare prescription drug benefit	148
8	2/16/00	H.Res. 372	H.R. 1495	Medicare prescription drug benefit	143
4	7/15/99	H.Res. 192	H.R. 1037	Large ammunition clip imports	103
2	4/20/99	H.Res. 126	H.R. 417	Campaign finance	3 ^A

Source: Records of discharge petitions in the Legislative Resources Center, Office of the Clerk of the House, B106 Cannon House Office Building, and at:

[<http://clerkweb.house.gov/mbrcmtee/legis/pastleg.htm>].

Additional information was drawn from the *House Final Calendar* and the Legislative Information System of the U.S. Congress (at [<http://www.congress.gov/>]) for the Congresses in question.

^A One additional Member signed and later withdrew the signature.