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# Discharge Procedure in the House

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## Discharge Procedure in the House

The House discharge rule (Rule XV, clause 2) provides a means for Members to bring to the floor for consideration a public bill or resolution that has been referred to committee but not reported. Discharge is generally the only procedure by which Members can secure consideration of a measure without cooperation from the committee(s) of referral, the majority-party leadership, or the Committee on Rules. For this reason, discharge is designed to be time-consuming to execute and difficult to accomplish.

Any Member can initiate a discharge process by filing a discharge motion (also called a *discharge petition*) with the Clerk of the House on or in connection with a measure that has remained in committee for at least 30 legislative days. Discharge petitions are maintained by the Clerk's office and made available at the rostrum for Members to sign when the House is in session. Members may add or remove their names until a petition has obtained 218 signatures. If this threshold is met, the discharge motion is placed on a "Calendar of Motions to Discharge Committees" and would become eligible to be called up after seven legislative days. If this point is reached, any Member who signed the petition may give notice to the House of an intention to offer the discharge motion. Following notification, the Speaker would be directed to schedule a time within two legislative days for the House to consider the motion.

A motion to discharge is debatable for 20 minutes, equally divided between proponents and opponents. If the motion is adopted in relation to a measure, the committee in possession of the measure is discharged from its consideration, and any Member who signed the petition may immediately move to proceed to consider it. The measure is then considered in its introduced form under the standing rules of the House. If a discharge motion is adopted in connection with a special rule, the rule would come directly to the floor for immediate consideration. No motion to proceed is required in this case.

Historically, the discharge process was most often deployed toward a particular legislative measure. In recent Congresses, it has become more common for Members to initiate a discharge process on a special rule (H.Res.) for a measure, instead of on the measure itself. There may be procedural advantages to the latter approach. For instance, in the language of a special rule, discharge proponents may establish the procedural terms they find most appropriate for considering the underlying measure (i.e., length of debate and control of time, consideration of amendments [if any], or waivers of points of order against the bill). This approach requires supporters to draft and introduce their own special rule, which must have been in Rules Committee possession at least 7 legislative days before it would be eligible for a discharge process (provided the underlying measure has exceeded 30 legislative days in committee).

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## Introduction

The House discharge rule (Rule XV, clause 2) provides a means for Members to bring to the floor for consideration a public bill or resolution that has been referred to committee but not reported.<sup>1</sup> Discharge is generally the only procedure by which Members can secure consideration of a measure without cooperation from the committee(s) of referral, the majority-party leadership, or the Committee on Rules. For this reason, discharge is designed to be time-consuming to execute and difficult to accomplish.

Historically, the discharge process was most often deployed toward a particular legislative measure itself.<sup>2</sup> In modern practice, it has become more common for Members to initiate a discharge process on a special rule (H.Res.), not the underlying measure, which discharge proponents would draft and introduce themselves. The procedural implications of the latter approach are discussed in the “Discharge and Special Rules” section below.

This report explains the procedures by which the House may discharge a committee of its consideration of a bill or resolution. These procedures apply regardless of whether the object of a discharge effort is a measure itself, or a special rule providing for consideration of a measure. A depiction of the stages and timing of the discharge process is appended in **Figure 1**.

## Basic Discharge Procedure

Discharge may be attempted only on a measure that has been referred to committee for at least 30 legislative days.<sup>3</sup> Any Member can initiate a discharge effort by filing with the Clerk of the House a discharge motion (also called a *discharge petition*) that is maintained by the Clerk’s office and made available at the rostrum for Members to sign when the House is in session.<sup>4</sup> The names of signatories on a discharge petition are updated by the Clerk on a daily basis and are made available online for public inspection.<sup>5</sup> Additionally, the last edition of the *Congressional Record* for each week contains a section entitled “Discharge Petitions—Additions and Withdrawals” that identifies Members who have added or subtracted their names from a petition during that particular week.<sup>6</sup>

Members may add or remove their names until a petition has gathered 218 signatures.<sup>7</sup> If a discharge petition reaches this threshold—a majority of the House’s 435 Members—the list of

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<sup>1</sup> U.S. Congress, House, *Constitution, Jefferson’s Manual, and Rules of the House of Representatives*, H.Doc. 118-187, 118<sup>th</sup> Cong., 2<sup>nd</sup> sess. (GPO, 2025), §892, pp. 721-727.

<sup>2</sup> On the early development of the discharge rule, see <https://history.house.gov/Blog/2023/July/7-20-Discharge-Petitions/>.

<sup>3</sup> A “legislative” day encompasses a period of time that starts when the House convenes following an adjournment and ends when the chamber next adjourns. In most cases, because the House usually adjourns each day it is in session, legislative days correspond with “calendar” days (a standard 24-hour period) on which the House meets. If the House instead recesses or remains in session from one calendar day to the next, the same legislative day would extend into the next calendar day. See CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by Valerie Heitshusen.

<sup>4</sup> Instructions on how to file a discharge motion can be found on HouseNet, the House’s internal website, at <https://housenet.house.gov/page/4223>.

<sup>5</sup> Signatories on a discharge petition to date are available at <https://clerk.house.gov/DischargePetition>.

<sup>6</sup> See, for instance, *Congressional Record*, vol. 171 (December 19, 2025), H6123.

<sup>7</sup> The requirement of 218 signatures is fixed, representing a majority of the total membership of the House (435). Delegates and the Resident Commissioner are not eligible to file, sign, or vote on a discharge motion, but they may be (continued...)

names is frozen and printed in the *Congressional Record*, and the discharge motion is entered in the *House Journal* and placed on the “Calendar of Motions to Discharge Committees” section of the *House Calendar*.<sup>8</sup> Once on the *Calendar*, an additional seven legislative days must elapse before a Member who signed the petition may notify the House in a floor statement of an intention to offer the discharge motion. If this notification is made, the Speaker would be required to schedule a time for the House to consider the motion within two legislative days.<sup>9</sup> A discharge motion is not in order, however, during the last six days of a congressional session.<sup>10</sup>

When the time designated by the Speaker arrives, the Member who gave notice would be recognized to offer the motion to discharge. Typically, this Member also makes essential motions and controls debate time in favor of the measure, and the chair of the pertinent committee controls time in opposition. The motion to discharge is debatable for 20 minutes, equally divided between proponents and opponents.<sup>11</sup> If the motion is adopted, the committee in possession of the measure is discharged from its consideration, and any Member who signed the petition may immediately move to proceed to consider the measure. The measure is then considered in its introduced form under the standing rules of the House, which include, for instance, “germaneness” limitations on amendments under clause 7 of Rule XVI.<sup>12</sup>

A discharge process on an unreported measure becomes moot, however, if the committee to which a discharge effort is directed reports the measure before the motion is offered. Since it no longer has possession of the measure, the committee cannot be discharged from considering it. Partly for this reason, discharge proponents might direct their efforts toward a special rule they introduce for a particular measure.

## Consideration After Discharge

Once a committee is discharged, the measure may be considered in Committee of the Whole under the five-minute rule, or in the House under the one-hour rule, depending on the nature of the measure itself. If the measure is a “money measure” (including authorization, appropriation, and revenue measures), the next motion in order is that the House resolve into Committee of the Whole to consider it.<sup>13</sup> If this motion prevails, the measure is considered as if under an open rule: when each section is read for amendment, germane amendments to it are in order and are debated under the five-minute rule. Time for general debate on the measure is not expressly provided for at this stage, but by unanimous consent Members may agree to place a limit on the amount of debate time under the control of managers.

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yielded time to speak on the matter on the House floor. They may also choose to cosponsor a measure being subject to a discharge process (if unreported).

<sup>8</sup> Members may not remove their names from a discharge petition once it reaches 218 signatures.

<sup>9</sup> Language used to make this announcement or to call up the discharge motion when recognized can be found in John V. Sullivan et al., *House Practice: A Guide to the Rules, Precedents, and Procedures of the House* (GPO, 2024), ch. 19, §6, pp. 478-479.

<sup>10</sup> The 20<sup>th</sup> Amendment to the Constitution establishes noon on January 3 as the end of a congressional session, but Congress may agree by concurrent resolution to adjourn at an earlier date.

<sup>11</sup> A discharge motion is not susceptible to a motion to table, but one motion to adjourn would be in order during its consideration.

<sup>12</sup> See the “Germaneness Rule” section of CRS Report 98-995, *The Amending Process in the House of Representatives*, by Christopher M. Davis, pp. 9-12.

<sup>13</sup> On Committee of the Whole proceedings generally, see CRS Report RL32200, *Debate, Motions, and Other Actions in the Committee of the Whole*, by Bill Heniff Jr. and Elizabeth Rybicki.

If the measure is not a “money measure,” the motion in order is to proceed to the bill or resolution in the House, where it will be considered under the one-hour rule.<sup>14</sup> If this motion is agreed to, the Member who offered it controls the first hour of debate and would be expected to move the previous question at the conclusion of the first hour. If the previous question is ordered, debate on the bill (and on any pending amendments) is ended and the House proceeds to a final vote.

## Discharge and Special Rules

Proponents of a discharge effort may seek greater control over the process by drafting a special rule governing proceedings on a targeted measure. They may then seek to discharge the Committee on Rules from consideration of the rule.

This approach requires supporters to draft and introduce a special rule that includes language (1) providing that the measure will be considered even if unreported; (2) setting terms for its debate and amendment; and (3) stipulating that consideration continue until final disposition. Such “discharge” rules may not include provisions that would allow nongermane amendments or make more than one measure privileged for consideration.<sup>15</sup>

Seven legislative days after its introduction, if the rule has not been reported by the Committee on Rules, supporters may file a motion to discharge the Rules Committee from its possession of the rule (provided the measure identified in the rule has remained in committee at least 30 legislative days). If this effort yields 218 signatures on a discharge petition, and the House adopts the motion to discharge, it automatically proceeds to consider the rule in the usual way, under the one-hour rule.<sup>16</sup> If the rule is adopted, the House immediately proceeds to execute its terms by considering the measure it makes in order.

One advantage to the special rule approach is that it permits supporters of the underlying measure to prescribe appropriate terms to regulate its consideration on the House floor. Furthermore, if a committee reports a measure after a special rule for considering it is introduced, a discharge attempt on the rule providing for that measure’s consideration remains valid. If the Committee on Rules reports the rule, the discharge petition on the rule becomes moot, but in that case, after seven legislative days, any Member of the Committee on Rules may call up the rule after providing one day’s notice to the House of an intention to do so.<sup>17</sup> If the Rules Committee reports the rule adversely, any Member of the House may call it up on the second or fourth Monday of a month.<sup>18</sup>

The use of the discharge procedure can challenge the agenda-setting responsibilities of the Speaker and the majority leadership. Consequently, if a discharge petition approaches or receives the required 218 signatures, the Committee on Rules might respond by reporting its own rule for considering the measure, or an alternative to it, perhaps based on negotiations with supporters of the discharge effort. The Rules Committee would normally call up its own rule at some point during the period of seven legislative days a discharge motion must remain on the *Calendar*. If

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<sup>14</sup> House proceedings under the one-hour rule is the subject of CRS Report 98-427, *Considering Measures in the House Under the One-Hour Rule*, by James V. Saturno.

<sup>15</sup> Clause 2 of House Rule XV.

<sup>16</sup> A motion to proceed is not required for a special rule at this stage (as it would be for a measure itself). If the discharge motion is adopted, the rule would come directly to the floor.

<sup>17</sup> Clause 6(d) of Rule XIII.

<sup>18</sup> Clause 6(e) of Rule XIII and clause 3 of Rule XV. In previous years the second and fourth Mondays of a month were the only days on which a Member could offer a discharge motion, but clause 2 of Rule XV was modified at the outset of the 116<sup>th</sup> Congress (2019-2020) to allow the discharge motion to be made at a time designated by the Speaker after notification is given (§102(v) of H.Res. 6, 116<sup>th</sup> Congress).

the House adopts this alternative rule drafted by the Rules Committee, it can consider the measure the rule makes in order, but under the terms proposed by the Committee on Rules, not those prescribed by the rule subject to the discharge process.<sup>19</sup> If supporters of the measure are dissatisfied with the terms of the rule written by the Rules Committee, they may attempt to defeat it and thereby retain the capacity to offer the discharge motion on the rule they prefer at a later date.

## Discharge of Rule for Reported Measure

If a committee reports a measure, and the Committee on Rules declines to grant a rule for considering it, Members may introduce their own rule for the measure and attempt to discharge the Committee on Rules from considering that rule (after seven legislative days in Rules Committee possession). Here again, the focus of the discharge effort would be the Committee on Rules.

## Recent Use of the Discharge Process

Proponents of a discharge process gain some leverage over the legislative agenda when they can command a numerical majority of Members (218) over a potentially extended period of time. Few measures subjected to the discharge process have reached the House floor in recent decades, but there has been a pronounced increase in recent Congresses both in the number of discharge petitions filed and the number that collected 218 signatures. Two discharge efforts in the 118<sup>th</sup> Congress (2023-2024) reached the threshold, and four did so in the first session of the 119<sup>th</sup> Congress (2025).

In the 118<sup>th</sup> Congress, two discharge petitions reached 218 signatures concerning two special rules, H.Res. 961 and H.Res. 1410. Both rules were adversely disposed of (tabled) by unanimous consent, but the House considered the underlying measure each rule would have made in order. The first rule addressed H.R. 5863, the Federal Disaster Tax Relief Act of 2023, which came to the floor under suspension and was enacted as P.L. 118-148 on December 12, 2024. The second rule involved H.R. 82, the Social Security Fairness Act of 2023, which also passed under suspension and was enacted as P.L. 118-273 on January 5, 2025.

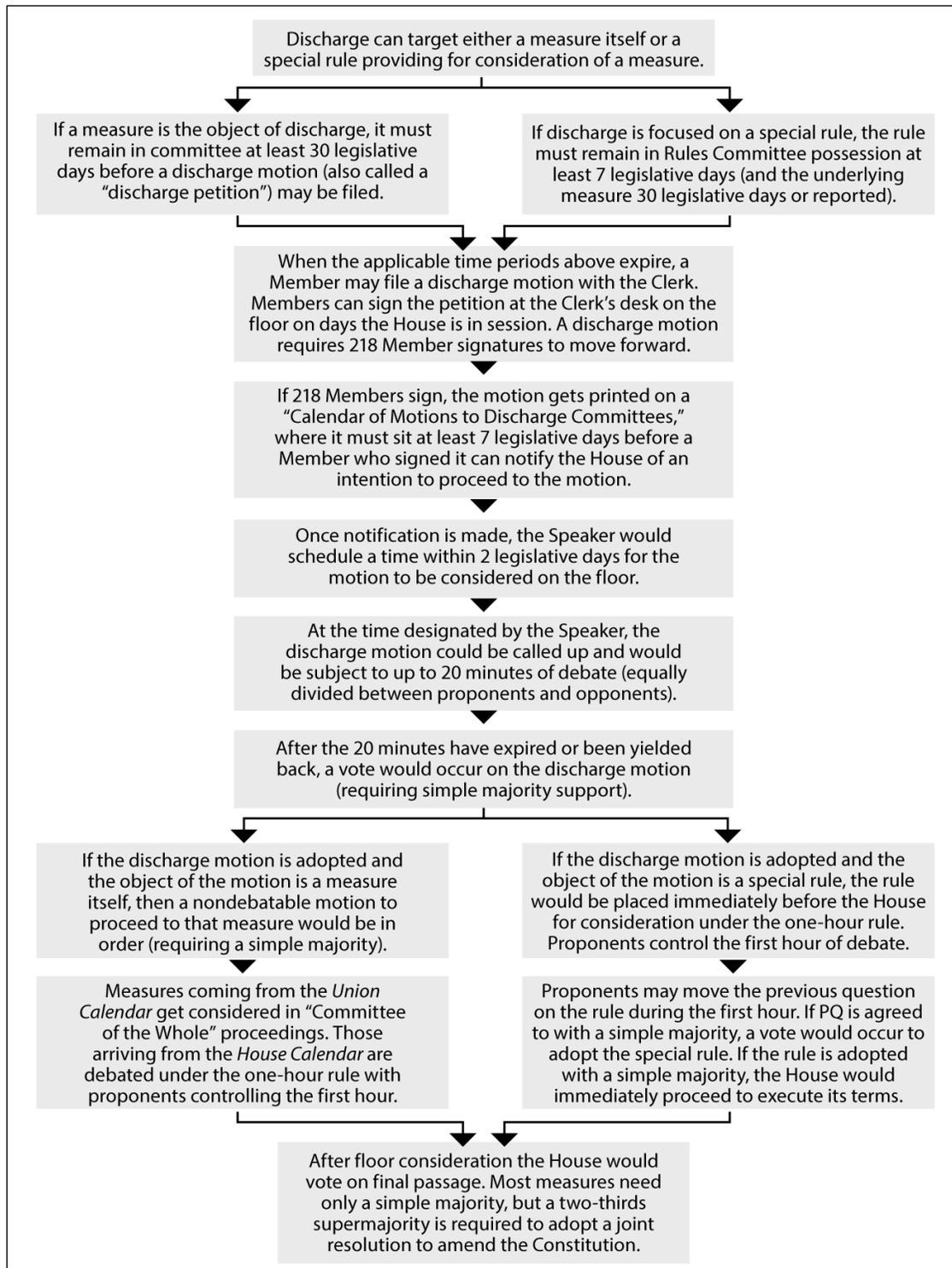
Four discharge petitions reached 218 signatures during the first session of the 119<sup>th</sup> Congress, each of which targeted a special rule: H.Res. 164, H.Res. 432, H.Res. 581, and H.Res. 780. Two of these (H.Res. 432 and H.Res. 780) were brought up under the discharge rule and adopted, as was the underlying measure each rule made in order (H.R. 2550, the Protect America's Workforce Act, and H.R. 1834, the Breaking the Gridlock Act, respectively). A third special rule that involved an effort to allow proxy votes in limited cases (H.Res. 164) was adversely disposed of by the House (via adoption of H.Res. 294) in favor of an alternative arrangement on paired votes embodied in a separate resolution (H.Res. 293). The fourth rule, H.Res. 581, contained language in Section 4 that was repackaged as a bill (H.R. 4405, the Epstein Files Transparency Act), passed by the House under suspension, and enacted as P.L. 119-38.<sup>20</sup>

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<sup>19</sup> See H.Res. 203 (107<sup>th</sup> Congress), a special rule for H.R. 2356, the "Bipartisan Campaign Reform Act of 2002." The House agreed to consider the bill under an alternative (but substantively similar) rule reported by the Rules Committee, H.Res. 344 (107<sup>th</sup> Congress), and the measure was enacted as P.L. 107-155 on March 27, 2002.

<sup>20</sup> The House subsequently adopted H.Res. 879 with language in Section 8 to render an adverse disposition of H.Res. 581.

Figure 1. Stages and Timing of the Discharge Process



Source: Figure created by CRS.

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The original version of this report was written by Richard S. Beth, formerly a Senior Specialist on Congress and the Legislative Process at CRS. Amber Wilhelm, Visual Information Specialist, assisted with Figure 1. The listed author is available to answer questions on the subject from congressional clients.

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