

Overview

Members of Congress have hundreds of legislative tools at their disposal to govern regular order proceedings. Ultimately, members who have a strong understanding of the rules are the most effective. In this Basic titled, "Discharging DACA: Discharge Petitions in the Legislative Process," we review one such legislative tool that has received significant attention lately: discharge petitions.

What is a Discharge Petition?

A discharge petition is a legislative maneuver written in the rules of the U.S. House of Representatives that starts a process to force a bill out of committee, bypass House leadership, and onto the floor for a vote before the full House. To be successful, a discharge petition requires the signatures of a majority of the House, which is 218 members.

Discharge Petitions as a Legislative Tool

Discharge Petitions are allowed under House procedure by House Rule XV, clause 2, which is often referred to as the "discharge rule." If a bill has not yet been referred to the full House by a committee of jurisdiction, a majority of members can force a bill from committee by gathering 218 signatures and following the lengthy and detailed procedure outlined below.

In order to be eligible for a discharge petition, a bill must have been referred to a committee and pending for a minimum of 30 legislative days. Once this threshold is met, any member may submit a discharge petition to force it from committee. Following this, a "motion to discharge" will be made on the House floor to call a question before the full House. The timing and procedure for a discharge motion is very specific. The Congressional Institute provides a very detailed description, saying a discharge motion can only be made "on a second or fourth Monday that occurs after the petition is filed, and such a motion may not be made in the last six days of a congressional session. The motion to discharge is debatable for 20 minutes, and if it is adopted, a Member may then move that the House consider the legislation in question."

2018 DACA Fight

With immigration politics dominating public debate and all sides digging in ahead of the 2018 midterms, DACA (Deferred Action for Childhood Arrivals) recipients, often referred to as "Dreamers," are caught in limbo. DACA is an Obama-era policy that allows children who were brought here illegally by their parents to receive protected status from deportation and become eligible for a work permit. The Trump Administration ended the policy upon assuming office, though federal courts have put a pause on its termination until a comprehensive plan can be worked out.

Historical context

- Since the addition of the discharge petition to House procedure in 1931, **only 3 discharged bills have become law.**
- Only **25 discharge petitions** have received 218 signatures since 1935.
- First Successful Discharge Petition, 1938:
 - Sent the **Fair Labor Standards Act of 1938** to the House floor to push a federal minimum wage law
- Last Successful Discharge Petition, 2015:
 - Reauthorized the **U.S. Export-Import Bank**, which had closed after its charter expired

Additional Resources

- Center for Effective Government
 - [Technically Speaking: Making Sense of Discharge Petitions, Cloture and Filibusters](#)
- Congressional Institute
 - [115th Congress House Floor Procedures Manual](#)
 - [Discharging Their Duties](#)
- Congressional Research Service
 - [How Legislation Is Brought to the House Floor: A Snapshot of Parliamentary Practice in the 114th Congress \(2015-2016\)](#)
- PolitiFact
 - [What the Republican discharge petition means for DACA, 'Dreamers'](#)

A small group of Republicans are working with Democrats in Congress to use a discharge petition to address the DACA situation. House Republican Leadership opposes the effort, but the rank and file Republicans with a large number of Dreamers in their districts argue that Leadership should not prevent members from achieving their legislative priorities.

This particular Republican effort would discharge a rule, rather than a bill, and set the scene for a vote on four immigration measures. The measures include a variation of proposals that include protection for Dreamers, however, some also include border security funding, authorization for construction of a border wall, and efforts to reduce legal immigration. You can read more about the proposals [HERE](#).

- The District Policy Group
 - [Discharge Petition](#)