

Learning about Legislation #40 - “Privileged” Legislation

When the House passed H.J. Res. 46 to end Trump’s national emergency, it was passed in a such a way as to force the Senate to take it up within a set period of time. That is because this resolution is “privileged.”

A Congressional Research Service [white paper](#) titled “How Measures Are Brought to the Senate Floor: A Brief Introduction” explains:

Congress occasionally enacts legislation that provides special procedures for considering specific measures... These enactments are considered an exercise of the authority granted in Article I, Section 5, of the Constitution to each house to “determine the rules of its proceedings.” Some of these statutes specify that a motion to proceed to consider the measures they govern is non-debatable.

One such piece of legislation that sets up special rules for voting is the [National Emergencies Act of 1976](#). In the section on terminating a president’s declaration of an emergency it states:

Such a concurrent resolution passed by one House shall be referred to the appropriate committee of the other House and shall be reported out by such committee together with its recommendations **within fifteen calendar days** after the day on which such resolution is referred to such committee and shall thereupon become the pending business of such House and **shall be voted upon within three calendar days** after the day on which such resolution is reported

That means that Senate Majority Leader Mitch McConnell cannot ignore H.J.Res. 46, and it cannot be filibustered into non-existence. That is why *CNN* has referred to the time after the passage of this resolution as “[the 18 longest days of his political life](#).” Those 18 days expire on March 16th.