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# REFERENCES TO COMMITTEES

Until the Legislative Reorganization Act of 1946 there was no single provision in the rules that authorized the Presiding Officer or any other person to refer matters to standing committees. To the contrary, under the practices Senators would regularly introduce bills, designating the committee to which they wanted them referred; also precedents had been established to refer certain types of bills to certain committees, even in the absence of any rules to that effect, pursuant to motions made and agreed to by the Senate to refer particular kinds of bills to particular committees. The normal procedure when the Presiding Officer laid matters before the Senate, including messages, communications, reports from Departments, bills and resolutions from the House, and petitions and memorials, was to say without objection, these matters would be referred to particular committees.

In 1946, in the passage of the Legislative Reorganization Act, and later as amended, each standing committee of the Senate was given defined jurisdictions as now set forth in Rule XXV; under Rule XVII, as amended, the responsibility of making references is given to the Presiding Officer.

Under the present rule and practices, the Presiding Officer makes the references of bills and resolutions to committees, both those introduced in the Senate and those messaged to the Senate from the House of Representatives. Likewise, under the rules, practices, and precedents, the Presiding Officer makes all references, including messages, reports from Departments, communications, petitions, and memorials, to standing committees, subject to an appeal from the decision of the Chair at the appropriate time. A motion may be made from the floor to refer a bill or resolution to a committee, but that bill or resolution must actually be before the Senate for it to be in order for a Senator to make such a motion.

Rule XVII, as now amended, reads as follows:

> "Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal."

The Presiding Officer now has the responsibility to make references of all matters required to be referred to standing committees, including messages, reports of Departments, communications, petitions, memorials, Senate bills and resolutions, and House bills and resolutions messaged to the Senate from the House of Representatives.

While the Presiding Officer has the responsibility to make all such references, in actual practice today, all of this is performed by the Parliamentarian of the Senate on behalf of the Presiding Officer, without any comment whatsoever from the

floor. Of course there are some exceptions, particularly when a matter involves multiple references, which action must be taken from the floor by the Leaders under Rule XVII, paragraph 3, unless it is done by a Senator making a unanimous consent request to that effect; or on rare occasions, when a particular controversial issue is presented to the Senate for reference and the leadership seeks to make that determination of reference, and it is then done on motion or by unanimous consent.

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# Rule XIV, Paragraphs 3 and 4

## [Bills and Joint Resolutions Read Twice Before Reference or Before Placed on Calendar]

No bill or joint resolution shall be committed or amended until it shall have been twice read, after which it may be referred to a committee; bills and joint resolutions introduced on leave, and bills and joint resolutions from the House of Representatives, shall be read once, and may be read twice, if not objected to, on the same day for reference, but shall not be considered on that day nor debated, except for reference, unless by unanimous consent.

Every bill and joint resolution reported from a committee, not having previously been read, shall be read once, and twice, if not objected to, on the same day, and placed on the Calendar in the order in which the same may be reported; and every bill and joint resolution introduced on leave, and every bill and joint resolution of the House of Representatives which shall have received a first and second reading without being referred to a committee, shall, if objection be made to further proceeding thereon, be placed on the Calendar.

# Rule XXV

## [Jurisdictions of Committees]

The provisions of Rule XXV setting forth the jurisdiction of each standing committee are quoted at pages 413 through 426.

# Rule XVII, Paragraphs 1 and 2

## [Reference to Standing Committees]

1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

2. A motion simply to refer shall not be open to amendment, except to add instructions.

## Rule VII, Paragraphs 4 and 5

For provisions of this rule, *see* "Communications and Messages to the Senate," pp. 430–441.

## Ruling on Reference Before 1946

Under Rule XXV, "all proposed legislation, messages, petitions, memorials, and other matters" relating to the stipulated subjects shall be referred to the appropriate standing committee as defined in that rule.

In 1914, the Vice President ruled that the reference of a House bill to a committee was mandatory.[1]

In 1919, the Chair ruled that a bill or joint resolution after its second reading must be referred to a committee when objection was made to placing it on the Calendar.[2]

In 1929, the Chair ruled that the reference of a joint resolution was not mandatory under the Rules of the Senate, but that it might be referred by a majority vote.[3]

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## Adjourn, Reference of Resolution To:

*See* "Reference of Adjournment Resolutions," pp. 17, 21.

## Amendments Between Houses, Reference of:

*See* "Refer," p. 142.

## Amendments to a Bill, Reference of:

A motion to refer a pending amendment to a bill or resolution to a committee is not in order,[4] even if accompanied with instructions to report the same back within a certain period of time.[5]

It is not in order to move to refer or to commit to a committee a pending amendment to a bill before the Senate; it would be in order to table the amendment or move to commit the bill.[6] There have been instances, con-

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[1] Mar. 28, 1914, 63–2, *Record*, p. 5651.
[2] May 23, 1919, 66–1, *Record*, pp. 128–29.
[3] Feb. 15, 1929, 70–2, *Record*, p. 3496.
[4] May 9, 1906, 59–1, *Journal*, p. 480, *Record*, pp. 6552–59; May 13, 1935, 74–1, *Journal*, p. 339, *Record*, p. 7380; June 5, 1952, 82–2, *Record*, p. 6605; Sept. 12, 1945, 79–1, *Record*, p. 8532; Mar. 15, 1945, 79–1, *Record*, p. 2272; June 24, 1919, 66–1, *Record*, p. 1654; June 12, 1952, 82–2, *Record*, p. 7090; *see also* Apr. 2, 1937, 75–1, *Record*, pp. 3065, 3078–80; June 7, 1961, 87–1, *Record*, pp. 9749–50; *see* May 25, 1964, 88–2, *Record*, pp. 11851–54.
[5] Mar. 7, 1951, 82–1, *Record*, p. 2072.
[6] Mar. 19, 1973, 93–1, *Record*, pp. 8466–72.

trary to the rule, where amendments to pending bills were referred to a committee.[7]

A motion to refer to a committee an amendment proposed to a bill that is not before the Senate is not in order, when the committee is different from that which considered the bill,[8] but by unanimous consent an amendment offered to a pending bill was referred to a different committee from that which considered the bill itself, and was later reported with an amendment.[9]

## Amendments to Motion To Refer:

A motion to refer is subject to amendment by the addition of instructions,[10] but such a motion to refer is not open to amendment except to add instructions.[11] Such a motion cannot be amended by the substitution of another committee,[12] or by providing for its reference to a different committee.[13]

After the yeas and nays have been ordered on a motion to refer, and a response has been made, it is too late to move to amend the motion to refer and the rollcall must proceed.[14]

## Appeals From References:

An appeal will lie from the decision of the Chair as to the reference of any bill,[15] if done at the appropriate time.

While an appeal from a decision of the Chair referring a bill is pending, a motion that when such committee has

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[7] Oct. 22, 1942, 77-2, *Record*, pp. 8536-45; July 7, 1932, 72-1, *Journal*, p. 686, *Record*, p. 14755; July 11, 1932, 72-1, *Journal*, p. 705, *Record*, p. 15011; Apr. 28, 1917, 65-1, *Record*, pp. 1454-55; *see also* July 18, 1916, 64-1, *Record*, p. 11219.

[8] Sept. 21, 1942, 77-2, *Record*, pp. 7200-01.

[9] Apr. 20, 21, and 22, 1933, 73-1, *Record* pp. 2004, 2079, 2170; *see also* Sept. 21, 1942, 77-2, *Record*, pp. 7200-01.

[10] May 9, 1913, 63-1, *Record*, pp. 1393, 1408-09; Apr. 5 and 14, 1922, 67-2, *Record*, pp. 5049-54, 5497; June 7, 1886, 49-1, *Record*, p. 5339; Mar. 26, 1890, 51-1, *Record*, p. 2660; Jan. 29, 1923, 67-4, *Record*, pp. 2649-50; Feb. 12, 1915, 63-3, *Record*, p. 3628; Mar. 14 and 16, 1910, 61-2, *Journal*, p. 216, *Record*, pp. 3129, 3232-33.

[11] *Ibid.*

[12] May 31, 1916, 64-1, *Record*, pp. 8933-36; June 7, 1886, 49-1, *Record*, p. 5339; Mar. 14 and 16, 1910, 61-2, *Journal*, p. 216, *Record*, pp. 3129, 3232-33; Feb. 4, 1943, 78-1, *Record*, pp. 588-89; July 11, 1939, 76-1, *Record*. pp. 8808-09; Feb. 1, 1932, 72-1, *Record*, pp. 2981-84; Jan. 29, 1923, 67-4, *Record*, pp. 2649-50; Apr. 5, 1922, 67-2, *Record*, pp. 5049-54; Feb. 12, 1915, 63-3, *Record*, p. 3628; Mar. 28, 1914, 63-2, *Record*, p. 5651; Mar. 20, 1914, 63-2, *Record*, pp. 5162-63; May 19, 1884, 48-1, *Record*, p. 4273.

[13] July 11, 1939, 76-1, *Record*, pp. 8808-09.

[14] May 23, 1908, 60-1, *Record*, p. 6805.

[15] P.L. 601 of 79th Congress, sec. 137; *see* Jan. 25, 1962, 87-2, *Record*, pp. 941-43.

concluded its hearing that the bill be referred to another committee is not in order.[16]

A motion to refer a bill to two committees while an appeal from the decision of the Chair on reference is pending would be in violation of the rule providing for a mandatory reference to the committee having jurisdiction over the preponderance of the subject matter in the bill,[17] but under Rule XVII, paragraph 3, the leaders are authorized to make motions for joint or sequential references of proposed legislation after a defined procedure.

## Appeals on References, Debate of:

*See* "Appeals, Debate of," pp. 724–726.

## Appropriations, References of:

*See* "Committee on Appropriations, Jurisdiction of," pp. 156–157.

## Bill Held at Desk Until Second Reading:

A House bill messaged to the Senate will be held at the desk on objection to being read twice until after the second reading when it will be referred or on objection to further consideration at that time will be placed on the Calendar.[18]

## Bills and Resolutions, Reference to Committees:

*See also* "First and Second Reading Before Reference," pp. 241–243; "Reading of Bill," pp. 240–248; "House-Passed Bills and Like Senate Bills, No Reference of," p. 1161; "Reference of," pp. 948–949; "Reference of Resolutions To Change Rules," p. 1227; "Treaties," "Reference to Committee," pp. 1302–1303.

Bills and resolutions, nominations, messages, and communications, petitions, memorials, and other matters are referred to one of the standing committees as provided for in Rule XXV,[19] or to select committees according to their resolution of creation.[20]

A motion to refer a part of a bill to a committee is not in order.[21]

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[16] *See* Mar. 18, 1959, 86-1, *Record*, p. 4474.
[17] *Ibid.*
[18] *See* Sept. 29, 1977, 95-1, *Record*, pp. 31660–61.
[19] Rule XXV, par. 1.
[20] *See* S. Res. 338 of 88th Cong.
[21] *See* June 22, 1942, 77-2, *Record*, pp. 5413, 5426–27.

The Senate can refer a bill to a special committee preliminary to reference to a standing committee.[22]

In 1934, a message from the President of the United States relating to the control of arms and munitions traffic was referred to a special Senate committee.[23]

A motion to refer a treaty with instructions to a special committee would be a proper motion and in order if the Senate should create such a special committee and give it jurisdiction over such a treaty.[24]

It is not in order to refer a Senate resolution of inquiry to a special committee [25] or a Senate bill to a special joint committee of the two Houses,[26] unless the committee is given jurisdiction to consider and report such legislation by the Senate or by joint action of the two Houses, as the case might require.

Under Rule XVII, paragraph 1, the Presiding Officer, in any case in which a controversy arises as to the jurisdiction of any standing committee with respect to any proposed legislation, shall refer a bill or resolution without debate to "that committee which has jurisdiction over the subject matter which predominates in such proposed legislation," subject to an appeal to the Senate; which is debatable; [27] motions by the Leaders for joint or sequential reference are also in order under Rule XVII, paragraph 3, as now amended.

A Senator, as a matter of right, cannot have a bill referred to a particular committee upon his request, except by unanimous consent.[28]

When a measure is introduced, unless some other disposition is made of it at that time by unanimous consent or brought up on motion as privileged business, it will be referred to the appropriate committee; [29] after the second reading of a bill it will be referred under the rule, unless some other steps are taken by the Senate.[30]

If a bill is read twice when introduced (or assumed to have been read twice) at the proper time, and no objection is heard to its further consideration, or if no other action

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[22] Apr. 6, 1946, 79-2, *Record*, p. 3238.
[23] May 18, 1934, 73-2, *Journal*, p. 429, *Record*, p. 9095.
[24] *See* Nov. 19, 1919, 66-1, *Record*, pp. 8786-89.
[25] Mar. 30, 1943, 78-1, *Record*, p. 2731.
[26] May 27, 1921, 67-1, *Journal*, p. 117, *Record*, p. 1823.
[27] May 3, 1948, 80-2, *Record*, p. 5190; P.L. 601 of 79th Cong., sec. 137; *see also* May 27, 1948, 80-2, *Record*, p. 6552.
[28] July 11, 1939, 76-1, *Record*, pp, 8806-08.
[29] June 17, 1954, 83-2, *Journal*, p. 382.
[30] *See* Aug. 9, 1960, 86-2, *Record*, pp. 16009-19.

is taken on the bill, under Rule XIV and Rule XVII, the Chair automatically refers the bill to the appropriate committee.[31]

Before 1946,[32] a motion to refer a measure was in order, during the Morning Hour, after the second reading; [33] under Senate practice; since that date a measure must actually be before the Senate in order for a Senator to make a motion to refer it to a committee,[34] and not just a motion pending to proceed to its consideration.[35]

Under the present rule and practice, the Presiding Officer makes the reference of bills to committees, both those introduced in the Senate and House bills messaged to the Senate. An appeal may be taken from the decision of the Chair in making the reference, at the time it is made.[36]

A Senate bill upon its introduction or a House bill which has been messaged to the Senate, upon objection to further proceedings on it after its second reading, under Rule XIV, paragraph 4, may be placed on the Calendar instead of being referred.[37]

In 1948, under a decision of the Senate, after a House bill had been messaged to the Senate and objection had been made to its further consideration at that time, a question of reference of the bill was raised, then under Section 137 of the Legislative Reorganization Act of 1946, which momentarily stayed any action of placing the bill on the Calendar. A point of order was then made regarding the priority of rights under Rule XIV, paragraph 4, as compared to Section 137 of the Legislative Reorganization Act (now paragraph 1 of Rule XVII).

Under Rule XX, the Chair then submitted the following question to the Senate for decision: "Is the point of order of the Senator * * * well taken?" The point of order was not sustained and the Chair under Section 137 of the Legislative Reorganization Act of 1946 (now paragraph 1 of

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[31] *See* Dec. 15, 1969, 91-1, *Record*, pp. 39098-39100; Aug. 5, 6, and Sept. 8, 1971, 92-1, *Record*, pp. 30046-48, 30213-16, 30889-90.

[32] P.L. 601 of 79th Cong.

[33] Nov. 2, 1893, 53-1, *Record*, p. 3075; May 9, 1913, 63-1, *Record*, pp. 1393, 1408-09.

[34] *See* Dec. 23, 1932, 72-2, *Record*, p. 958; May 5, 1952, 82-2, *Record*, p. 4759.

[35] July 16, 1932, 72-1, *Journal*, p. 733, *Record*, p. 15649; Dec. 16, 1924, 68-2, *Journal*, p. 38; Feb. 4, 1943, 78-1, *Record*, pp. 587-88; Apr. 7, 1948, 80-2, *Record*, p. 4173; July 3, 1943, 78-1, *Record*, p. 7091; *see also* July 25, 1951, 82-1, *Record*, p. 8806; July 5, 1952, 82-2, *Record*, p. 4759.

[36] Rule XVII, para. 1; *see* Jan. 25, 1962, 87-2, *Record*, pp. 941-43.

[37] Mar. 2, 1931, 71-3, *Journal*, p. 309; Jan. 16, 1932, 72-1, *Journal*, p. 154; *see also* May 3, 1948, 80-2, *Record*, pp. 5168-72; *see also* procedure on H.R. 627, July 23, 24, and 25, 1956, 84-2, *Record*, pp. 13937, 14160-63, 14171, 14216, 14323-28.

Rule XVII) made the reference, from which an appeal was in order.[38]

In 1957, and on other occasions under a like situation, an objection, under paragraph 4 of Rule XIV, having been made to further proceedings on a House bill which had been read twice without being referred, the Senate reversed its decision of 1948, and decided that Rule XXV, which provided, among other things for mandatory references of bills, as amended by the Legislative Reorganization Act of 1946, did not supersede and annul said paragraph 4 of Rule XIV.[39]

A point of order under such circumstances is not debatable, if the Chair chooses to rule, but if an appeal is taken from the decision of the Chair, that would be debatable; if the ruling of the Chair is sustained, the bill will be placed on the Calendar,[40] and a motion to refer at that point with or without instructions, would not be in order.[41]

By use of Rule XIV, paragraph 4, a House bill received in the Senate may be read twice and if objection is heard to further proceedings on the bill at that time, it will be placed on the Calendar and not referred; and under the rules and precedents, when a bill coming over from the House is read a second time a motion for reference is not in order at that time since it will automatically be referred unless objection to its further consideration places it on the Calendar; the only way to get it referred at such time would require an appeal from the decision of the Chair, overruling the Chair, reversing the written rule and precedents since 1957.[42]

Thus under current procedure, under Rule XIV, after a bill, including a House-passed bill messaged to the Senate, is read a second time and objection is heard to its further consideration at that time, the Chair will order the bill placed on the Calendar; [43] and a Senator has a right to

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[38] May 3 and 4, 1948, 80-2, *Record*, pp. 5170-72, 5176, 5219-29; *see also* July 23, 1962, 87-2, *Record*, pp. 14503-04; Aug. 9, and 13, 1962, 87-2, *Record*, pp. 16112, 16317-21, 16325.

[39] Feb. 26, 1964, 88-2, *Record*, pp. 3693-97, 3719; June 20, 1957, 85-1, *Journal*, pp. 332-33, *Record*, pp. 9777-9827, 9814; *see also* June 19, 1957, 85-1, *Record*, pp. 9624, 9627; June 17, 1957, 85-1, *Record*, pp. 9257-93.

[40] Feb. 26, 1964, 88-2, *Record*, pp. 3693-97, 3719.

[41] *Ibid.*

[42] Aug. 18, 1972, 92-2, *Record*, pp. 29309-10; Sept. 6, 1972, 92-2, *Record*, pp. 29445-46.

[43] Aug. 12, 1966, 89-2, *Record*, p. 19174; Apr. 29 and 30, 1971, 92-1, *Record*, pp. 12779-81, 12792-93; Dec. 22 and 28, 1970, 91-2, *Record*, pp. 43188, 43590; Aug. 31, 1964, 88-2, *Record*, pp. 21070-71; Feb. 25, 1964, 88-2, *Record*, pp. 3497-3500; Feb. 26. 1964, 88-2, *Record*, pp. 3693-97, 3719; Aug. 11, 1970, 91-2, *Record*, p. 28257; Dec. 15, 1969, 91-1, *Record*, pp. 39098-100; Aug. 5, 6 and Sept. 8, 1971, *Record*, pp. 30046-48, 30213-16, 30889; *see* Aug. 10, 1966, 89-2, *Record*, p. 18872.

object to further proceedings after the second reading which would place it on the Calendar until the Senate takes some other action on the bill.[44]

In 1919 the Chair ruled that a bill or joint resolution after its second reading must be referred to a committee when objection was made to placing it on the Calendar.[45]

By order of the Senate, a bill may be introduced during a recess of the Senate, the first and second readings waived, and the bill referred; or if an original bill is reported by order during a recess the first and second reading will be waived and the bill placed on Calendar.[46]

By unanimous consent bills and messages of the President of the United States have been referred to two committees jointly.[47]

Under unanimous consent procedure, a bill referred to a committee was reported with a substitute, and then referred to another committee, which reported the bill with an amendment to the substitute; then, under an agreement, the bill as reported from the latter committee was considered as an original bill, and the amendments presumed to have been agreed to.[48]

Nominations, under unanimous consent procedure, have been confirmed without reference to a committee.[49]

In 1933 certain Senate bills which had been duly passed by the two Houses too late to be presented to the President before the expiration of Congress, were reintroduced in the next Congress and passed without reference to a committee.[50]

Under a unanimous consent agreement limiting the transaction of business in the Senate for a certain period, the reference of House bills and the presentation of reports of committees were held not to be in order.[51]

## Calendar, Bills on:

*See also* "Motions To Refer," pp. 1162–1164.

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[44] *See* Dec. 15, 1969, 91-1, *Record*, pp. 39098-100.

[45] May 23, 1919, 66-1, *Record*, pp. 128-29.

[46] Sept. 10 and 14, 1942, 77-2, *Record*, pp. 7098, 7117; Feb. 5, 1954, 83-2, *Record*, p. 1390; Mar. 7 and 12, 1946, 79-2, *Record*, p. 2168.

[47] July 28, 1949, 81-1, *Record*, p. 10327; Aug. 5, 1949, 81-1, *Journal*, p. 621; Jan. 23, 1951, 82-1, *Record*, pp. 544-46; July 30, 1951, 82-1, *Record*, p. 9136; Apr. 26, 1951, 82-1, *Record*, pp. 4395-97; *see also* Mar. 13, 1952, 82-2, *Record*, p. 2276.

[48] Feb. 9 and 13, 1940, 76-3, *Record*, pp. 1270, 1404.

[49] July 2, 1945, 79-1, *Record*, p. 7110; *see also* "Nominations," "Reference of," pp. 757-58.

[50] Mar. 10, 1933, 73-1, *Journal*, p. 17, *Record*, p. 126.

[51] May 29, June 10 and 13, 1916, 64-1, *Journal*, p. 412, *Record*, pp. 9431-32, 9481.

A bill having been placed on the Calendar under Rule XIV, Clause 4, a motion to refer the bill, with or without instructions, is not in order until the bill is before the Senate; a unanimous consent request would be in order.[52]

## Censure Resolutions, Reference of:

*See* "Reference to Committees," pp. 271-272.

## Chair Refers Bills and Resolutions Without Debate:

*See* "References and Motions To Refer, Debate of," pp. 771-772.

## Change of References:

A change of reference may be made on motion agreed to, or by unanimous consent.[53] Such a motion for a change of reference is not in order during the consideration of another bill, except by unanimous consent.[54]

## Communications, Reference of:

*See also* "Communications and Messages to the Senate," pp. 430-441; "Messages, Debate of," p. 758; "References and Motions To Refer, Debate of," pp. 771-772.

Under Rule VII, "Petitions or memorials shall be referred, without debate, to the appropriate committee according to subject matter on the same basis as bills and resolutions, if signed by the petitioner or memorialist. A question of receiving or reference may be raised and determined without debate. But no petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President." [55] A "motion simply to refer shall not be open to amendment, except to add instructions." [56]

A motion to refer a communication with instructions having been divided, on demand, the question was first taken on agreeing to the instructions.[57]

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[52] *See* Dec. 15, 1969, 91-1, *Record*, pp. 39098-100.
[53] Feb. 9 and 17, 1938, 75-3, *Record*, p. 2089; Feb. 23, 1938, 75-3, *Record*, p. 2682; Apr. 14, 1938, 75-3, *Journal*, p. 308.
[54] June 3 and 8, 1937, 75-1, *Journal*, pp. 322, 332, *Record*, pp. 5280-87, 5413-17.
[55] Rule VII, para. 4.
[56] Rule XVII, para. 2.
[57] Aug. 16 and 17, 1888, 50-1, *Record*, pp. 7601, 7650.

A motion to amend a motion to refer a message by substituting another committee is not in order.[58]

The Presiding Officer, in 1913, when laying before the Senate messages as "remain upon his table from the previous day's session" under paragraph 1 of Rule VII, entertained a motion of reference thereof.[59]

## Concurrent Resolutions, Reference of:

*See* pp. 1162–1163.

## Contingent Fund Resolutions, References of:

*See* "Appeals, Debate of," pp. 724–726; "Reference to Two Committees—Substantive and Committee on Rules," pp. 888–890.

## Court of Claims, References to:

The Senate has referred bills to the Court of Claims, even during their consideration.[60]

## Credentials, Reference of:

*See* "Reference of Credentials," p. 709.

## Debate of References:

*See* "Morning Hour: Debate During, After Morning Business," pp. 759–761; "References and Motion To Refer, Debate of," pp. 771–772.

## House Amendments to Senate Bills, Reference of:

*See* "Refer," p. 142.

## House-Passed Bill, References of:

*See also* "Refer," p. 142; "Bills and Resolutions, Reference to Committees," pp. 1154–1158; "House Bills," p. 864.

House-passed bills are read twice before reference or before being placed on the Calendar under Rule XIV, and each reading shall be on a different legislative day when requested or demanded.[61]

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[58] May 19, 1884, 48–1, *Record*, p. 4273.
[59] May 13 and 15, 1913, 63–1, *Record*, pp. 1495–1503, 1537–38.
[60] Apr. 11 and 12, 1940, 76–3, *Record*, pp. 4346, 4405.
[61] May 3 and 4, 1948, 80–2, *Record*, pp. 5170–72, 5176, 5219–29; *see also* July 23, 1962, 87–2, *Record*, pp. 14503–04; Aug. 9, and 13, 1962, 87–2, *Record*, pp. 16112, 16317–21,

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## House-Passed Bills and Like Senate Bills, No Reference of:

A House-passed bill may be considered without reference to a committee when a companion Senate bill has been reported and is on the Calendar.[62]

After the Senate has amended and passed its own bill on a subject, and a request that its language be substituted for that of a companion House bill on the Calendar is objected to, a motion to take up the House bill is in order; it would then be in order to offer the Senate bill as a substitute for the House bill.[63]

## Investigations and Inquiries, Including Expenditures—Reference:

*See* "References to Two Committees—Substantive and Committee on Rules," pp. 703-705.

## Joint Committees, References to:

*See* "Joint Committee," p. 891.

## Joint References, or References to More Than One Committee:

*See* "Multiple References," pp. 1164-1166; *also* "Reports by Two or More Committees on Same Bill," pp. 1194-1195.

## Joint Resolutions, Reference of:

*See* "Bills and Resolutions, Reference to Committees," pp. 1154-1158.

## Jurisdiction When Question Raised:

Under Rule XVII, "in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the

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16325; Feb. 26, 1964, 88-2, *Record,* pp. 3693-97, 3719; June 20, 1957, 85-1, *Journal,* pp. 332-333, *Record,* pp. 9777-9827, 9814; *see also* June 19, 1957, 85-1, *Record,* pp. 9624, 9627; June 17, 1957, 85-1, *Record,* pp. 9257-93; *see also* "Reading of Bill," pp. 240-248; Oct. 4, 1962, 87-2, *Record,* p. 22136; Oct. 5, 1962, 87-2, *Record,* p. 22458; Feb. 17, 1964, 88-2, *Record,* p. 2882; Aug. 21, 1964, 88-2, *Record,* pp. 20904-05; Aug. 11, 1966, 89-2, *Record,* p. 19024; Sept. 29, 1977, 95-1, *Record,* pp. 31660-61.

[62] Dec. 10, 1941, 77-1, *Journal,* p. 476, *Record,* p. 9607.

[63] *See* Aug. 29, 1960, 86-2, *Record,* p. 18156.

subject matter which predominates in such proposed legislation; but such decision shall be subject to" appeal.[64]

## Lie on Table—Later To Be Considered or Referred:

*See* "Lie on Table," pp. 910–911.

## Memorials and Petitions, Reference of:

*See* "Bills and Resolutions, Reference to Committees," pp. 1154–1158; "Communications, Reference of," pp. 1159–1160.

## Messages From the President, References of:

*See* "Bills and Resolutions, Reference to Committees," pp. 1154–1158; "Communications, Reference of," pp. 1159–1160; "Multiple References," pp. 1164–1166.

## Modification of Resolution, Pending Motion To Refer It:

In one instance in 1884, the Chair ruled that a modification of a resolution was a change equivalent to an amendment and was not in order while a motion to refer was pending.[65]

## Motions To Refer

### Precedence of Motion and When in Order:

*See also* "Bills and Resolutions, Reference to Committees," pp. 1154–1158; "Calendar, Bills on," pp. 1158–1159; "References and Motions To Refer, Debate of," pp. 771–772.

The reference of a bill upon its introduction is not in order until after its second reading, which, upon objection, cannot be had on the day of the first reading.[66]

A motion from the floor to refer a bill before the Vice President automatically makes the reference is in order after the second reading,[67] and may be amended by adding instructions.[68]

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[64] Rule XVII, para. 1.
[65] May 26, 1884, 48–1, *Record*, p. 4500.
[66] May 9 and 13, 1913, 63–1, *Record*, pp. 1393, 1408–09, 1495.
[67] Mar. 18, 1965, 89–1, *Record*, pp. 5387, 5403; Nov. 2, 1893, 53–1, *Record*, p. 3075; *see* Apr. 28, 1966, 89–2, *Record*, pp. 9393–99; May 3, 1966, 89–2, *Record*, p. 9511.
[68] *See* May 3, 1966, 89–2, *Record*, p. 9511.

A motion to refer a bill to a committee, with or without conditions, which has been placed on the Calendar without being referred (or any other bill for that matter) is in order generally at any time after the Senate has agreed to proceed to its consideration, but not until then.[69]

A bill may, under a unanimous consent order of the Senate, be introduced, first and second readings waived, and referred during a recess.[70]

When a bill has been reported from one committee, a motion would be in order, when the bill is before the Senate, as a matter of right, to move to refer the bill to another committee; [71] a bill on the table by unanimous consent, if taken up for consideration, is subject to a motion to refer it to a committee.[72]

A motion to refer a bill is in order generally at any time while it is before the Senate,[73] but it must be before the Senate.[74]

A motion to refer a bill takes precedence over an amendment to it,[75] or over a request for a different reference as contrasted to a motion.[76]

A motion to refer a message of the President of the United States to a standing committee of the Senate has precedence over a motion to refer it to a select committee; [77] a veto message having been read, a motion to refer it to a committee is in order,[78] and a motion to refer it to a committee takes precedence over a demand for a vote on overriding the veto.[79]

A motion to lay a resolution on the table takes precedence over a motion to refer the same to a committee.[80]

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[69] *See* Aug. 11, 1966, 89-2, *Record*, p. 19025; Feb. 27, 1964, 88-2, *Record*, p. 3831; Mar. 9, 1964, 88-2, *Record*, p. 4743.

[70] Sept. 10 and 14, 1942, 77-2, *Record*, pp. 7098, 7717.

[71] Mar. 3, 1947, 80-1, *Record*, p. 1605; Sept. 7, 1972, 92-2, *Record*, pp. 29734-35.

[72] *See* June 2, 1960, 86-2, *Record*, p. 11695.

[73] Dec. 10, 1941, 77-1, *Record*, p. 9607; *see also* May 5, 1952, 82-2, *Record*, p. 4759; Apr. 9, 1940, 76-3, *Record*, p. 4175.

[74] Dec. 16, 1924, 68-2, *Journal*, p. 38; Feb. 27, 1929, 70-2, *Journal*, p. 235; July 16, 1932, 72-1, *Journal*, p. 733; Apr. 7, 1948, 80-2, *Record*, p. 4173; July 3, 1943, 79-1, *Record*, p. 7091; Feb. 4, 1943, 78-1, *Record*, pp. 587-588; *see also* July 25, 1951, 82-1, *Record*, p. 8806; July 23, 1962, 87-2, *Record*, pp. 14503-04.

[75] Apr. 8, 1943, 78-1, *Record*, p. 3116; May 5, 1943, 78-1, *Record*, p. 3976; Jan. 16, 1951, 82-1, *Record*, p. 319; Mar. 25, 1926, 69-1, *Journal*, p. 257, *Record*, pp. 6220, 6224; *see also* Aug. 2, 1954; 83-2, *Record*, p. 12981; Apr. 2, 1951, 82-1, *Record*, p. 3062; Apr. 9, 1940, 76-3, *Record*, p. 4175.

[76] Aug. 9, 1937, 75-1, *Record*, p. 8518.

[77] Jan. 24, 1888, 50-1, *Record*, p. 651.

[78] *See* Aug. 6, 1942, 77-2, *Record*, p. 6752.

[79] Rule XXII; *see also* House precedent, Oct. 10, 1940, 76-3, *Record*, pp. 13522, 13534.

[80] Feb. 19, 1915, 63-3, *Record*, p. 4092.

**When Not in Order:**

A motion to refer a bill or resolution to a committee is not in order pending a motion to proceed to its consideration,[81] nor is such a motion in order by a Senator who does not have the floor.[82]

The following motions have been held not to be in order:

(1) To refer a bill or resolution that is not before the Senate; [83]

(2) To refer to a committee a document which has not been presented to the Senate and is not in its possession; [84]

(3) To re-refer a bill or resolution while the Senate is engaged in the transaction of routine business; [85]

(4) To refer a resolution, where objection has been made to a request for its consideration when submitted (it goes over under the rule); [86]

(5) To refer a Senate resolution of inquiry to a special committee; [87]

(6) While a motion to proceed to the consideration of a privileged matter is pending, a motion to refer it to a committee; [88]

(7) To refer a part of a bill to a committee.[89]

Under a unanimous consent agreement fixing a time for a final vote on a bill, a motion to refer such bill is not in order.[90]

A unanimous consent agreement for a vote on a vetoed bill at a fixed hour precludes a motion to refer it to a committee.[91]

## Multiple References:

The majority and minority leaders, or their designees, are now authorized to make motions for joint or sequential references of proposed legislation under a procedure set forth in Rule XVII, paragraph 3.

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[81] Dec. 4, 1930, 71-3, *Record*, p. 197; May 7, 1953, 83-1, *Record*, p. 4654; *see also* July 16, 1932, 72-1, *Journal*, p. 733, *Record*, p. 15649.
[82] May 21, 1935, 74-1, *Journal*, p. 365.
[83] July 25, 1892, 52-1, *Record*, p. 6692; *see also* Dec. 23, 1932, 72-2, *Record*, p. 958.
[84] Mar. 3, 1927, 69-2, *Journal*, pp. 268, 269, *Record*, pp. 5513-19.
[85] *See* May 5, 1952, 82-2, *Record*, p. 4759.
[86] June 7, 1888, 50-1, *Journal*, p. 940, *Record*, pp. 4978-88.
[87] Mar. 30, 1943, 78-1, *Record*, p. 2731.
[88] Dec. 16, 1924, 68-2, *Journal*, p. 38, *Record*, p. 644.
[89] *See* June 22, 1942, 77-2, *Record*, pp. 5413, 5426-27.
[90] Dec. 13, 1924, 68-2, *Record*, p. 566.
[91] June 2, 1930, 71-2, *Journal*, p. 410.

On numerous occasions, by unanimous consent, bills, communications, and resolutions have been referred to two committees jointly or to one committee with an agreement to be referred to a second committee when reported from the first.[92]

In more recent years, frequently bills are being jointly referred by unanimous consent to several committees. It is not uncommon for comprehensive pieces of legislation to involve in a primary way the jurisdiction of two, three, four, or even five of the standing committees, and the nature of the bill is such that it is almost impossible to determine the predominance of the subject matter. For example, legislative proposals on the environment and pollution, or subjects related thereto, or complex legislative proposals on energy have significantly cut across the jurisdictions of several committees and if they were not referred by unanimous consent to several committees, it would eventually threaten the existing jurisdictions of the standing committees as set forth in Rule XXV.

A committee to which has been referred a bill, already referred to and reported by another committee, under a unanimous consent agreement to refer the bill to two committees, has authority to report it back with amendments.[93]

Copies of a Senate resolution in 1946, relating to martial law in Hawaii, by unanimous consent, were referred to the Committees on Military and Naval Affairs growing out of a jurisdictional difference.[94]

In 1949 and in 1955, by unanimous consent, messages of the President of the United States were referred to two committees jointly.[95]

In 1940, parts of one message from the President were referred to three committees,[96] and a letter from the

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[92] June 23, 1944, 78-2, *Record*, p. 6595; Oct. 2 and 29, 1945, 79-2, *Record*, pp. 9216, 10113; Apr. 6 and May 29, 1946, 79-2, *Record*, pp. 3238, 5881; Apr. 30, 1956, 84-2, *Record*, pp. 7239-40; July 30, 1951, 82-1, *Record*, p. 9136; Jan. 8, 16, and 23, 1951, 82-1, *Record*, pp. 544-546; July 28, 1949, 81-1, *Record*, p. 10327; *see also* Feb. 9, 1961, 87-1, *Record*, p. 1953; Sept. 13, 1962, 87-2, *Record*, pp. 19349-55; Mar. 26, 1959, 86-1, *Record*, p. 5302; Mar. 24 and 25, 1959, 86-1, *Record*, pp. 5064, 5133; Jan. 23, 1958, 85-2, *Record*, pp. 775-776; Mar. 25, 1958, 85-2, for proceedings on S. 1356; June 13, 1956, 84-2, *Record*, p. 10152.

[93] May 5, 1952, 82-2, *Record*, pp. 4763-64.

[94] Mar. 14, 1946, 79-2, *Record*, p. 2239.

[95] July 28, 1949, 81-1, *Record*, p. 10327; Jan. 24, 1955, 84-1, *Record*, p. 601: *see also* proceedings for Jan. 7 and 23, 1957, for unanimous consent agreements to refer messages on President's Near East proposal to Armed Services and Foreign Relations Committees for joint hearings and a report of a bill on same. (*See* Jan. 7, 23, 29, 1957, 85-1, *Record*, pp. 235, 899, 1112.)

[96] May 16, 1940, 76-3, *Record*, pp. 6212-13.

President, addressed to the President of the Senate, was referred to two committees.[97]

In 1954, the Senate adopted a resolution to authorize the Committees on Armed Services and Banking and Currency acting jointly to hold hearings on the domestic tin-smelting industry with relationship to national defense [98] and on April 25 of that year a concurrent resolution (H. Con. Res. 26) was reported by the two committees.

In 1886, the parts of his annual message relating to foreign affairs, by the adoption of a resolution to that effect, were referred to the Committee on Foreign Relations.[99]

## Nominations, Reference of:

*See* "Bills and Resolutions, Reference to Committees," pp. 1154–1158; "Reference of," pp. 948–949.

## Petitions and Memorials, Reference of:

*See* "Communications, Reference of," pp. 1159–1160.

## Precedence of Motion To Refer:

*See* "Motions To Refer," pp. 1162–1164.

## Private Bills, Reference of:

*See* "Private Bills," pp. 1033–1034; "Bills and Resolutions, Reference to Committees," pp. 1154–1158.

## Quorum, Reference in Absence of:

*See* "Business or Debate Out of Order in the Absence of a Quorum,"pp. 1046–1049.

## Read Twice Before Reference:

*See* "Bills and Resolutions, Reference to Committees," pp. 1154–1158; "First and Second Reading Before Reference," pp. 241–243.

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[97] Jan. 16, 1940, 76–3, *Journal*, p. 81, *Record*, p. 367.
[98] *See* S. Res. 254, adopted on May 27, 1954.
[99] Jan. 14, 1886, 49–1, *Record*, pp. 643, 645.

## Recognition, Senator Must Have, To Offer Motion:

*See* "Motions To Refer," pp. 1162–1164; "Recognition," pp. 1091–1105.

## Reconsideration of Reference:

*See also* "Reconsideration," pp. 1124–1149.

In 1919, a bill having been referred to two committees jointly, objection was subsequently made to such action as tending to confusion in its consideration, whereupon the vote was reconsidered and the bill referred to one committee.[100] In 1950, a resolution providing for an investigation of methods to protect civilians against enemy warfare having been referred to the Committee on Armed Services, a motion was subsequently made to reconsider that reference.[101]

## Reported Resolution by Committee Without Jurisdiction of:

*See* "Point of Order—Resolution Recommitted," p. 1119.

## Rescinding Signatures of Presiding Officers, Resolutions for, Not Referred:

A concurrent resolution rescinding the action of the Presiding Officers of the two Houses in signing an enrolled bill is not legislation and is not required to be referred to a committee.[102]

## Resolution, Consideration of Objected to When Submitted, Goes Over Under Rule and Not Referred:

*See* "Motions To Refer," pp. 1162–1164; "Over Under the Rule," pp. 957–967.

## Special Committee, Reference to:

*See* "Motions To Refer," pp. 1162–1164.

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[100] May 23, and June 3, 1919, 66–1, *Journal*, p. 49, *Record*, pp. 154–55, 557.
[101] Apr. 13, 1950, 81–2, *Record*, p. 5153.
[102] Dec. 12 and 13, 1928, 70–2, *Journal*, pp. 31, 35, *Record*, pp. 445, 503.

## Subpoena Duces Tecum, Reference of:

A subpoena *duces tecum* issued by a United States District Court and served upon a Member of a Senate committee was referred, after the authority of the Court had been challenged, to the Committee on the Judiciary for a report; the records of the Senate do not show that the matter was reported back to the Senate.[103]

## Suspension of Rules, Not Referred:

The Senate, under Rule V, has the power to suspend a rule, pursuant to a notice, without the reference of such notice to the Committee on Rules; where such a notice is referred to the Committee on Rules, the report of the committee, upon objection, must lie over one legislative day under the rule.[104]

## Tabling of Motion To Refer:

Unanimous consent is required for a resolution to lie on the table instead of being referred.[105]

A motion to table a resolution takes precedence over a motion to refer the same to a committee.[106]

A motion to refer a message, when the mover refrains from making any observations thereon, may be laid on the table.[107]

## Unanimous Consent Agreements and Reference:

Under a unanimous consent agreement limiting the transaction of business in the Senate for a certain period, the reference of House bills and the presentation of reports of committees were held not to be in order.[108]

A House bill having been laid before the Senate and a motion to refer made pending the consideration of a bill under a unanimous consent agreement for a final disposition thereof on that legislative day, the Vice President overruled a point of order that the question of reference was in contravention of the agreement and expressed the

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[103] Mar. 13, 1913, 63-Special Session, *Journal*, 62-3, p. 308, *Record*, p. 7.

[104] Jan. 11, 12, and 13, 1915, 63-3, *Journal*, pp. 52-53, *Record*, pp. 1357, 1382, 1395, 1503-13.

[105] *See* June 13, 1950, 81-2, *Record*, p. 8487.

[106] Feb. 19, 1915, 63-3, *Record*, p. 4092.

[107] June 16, 1909, 61-1, *Record*, pp. 3345-46.

[108] May 29-June 10 and 13, 1916, 64-1, *Journal*, p. 412, *Record*, pp. 9431-32, 9481.

opinion that the right to dispose of the matter in some way accompanied the right, under the rule, to lay a message before the Senate.[109]

### Veto, Reference of:

*See* "Reference of Veto Message," p. 1386.

### Vote on Motion To Refer With Instructions on Division of Question:

A motion to refer a communication with instructions having been divided, on demand, the question was first taken on agreeing to the instructions.[110]

### Withdrawal of Motion To Refer:

A motion for reference of a bill can only be withdrawn by unanimous consent when the yeas and nays have been ordered thereon.[111]

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# REGULAR ORDER

*See* "Amendments, Call Up For Consideration, Laid Aside For Consideration of Another Amendment," pp. 41-43; "Disorderly Language, Use of, in Debate, and Restrictions on," pp. 738-742; "Debate, Speeches Allowed in Same Legislative Day," pp. 781-785; "Displacement of Pending or Unfinished Business," pp. 664-669; "Morning Business, Regular Order," p. 925; "Points of Order," pp. 987-996; "Yield for Question Only," pp. 794-797.

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# RELEVANCY OF DEBATE

*See* "Germaneness of Debate," pp. 742-745, 862-863.

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[109] Jan. 31, 1912, 62-2, *Record*, pp. 1563-64.
[110] Aug. 16 and 17, 1888, 50-1, *Record*, pp. 7601, 7650.
[111] Apr. 11, 1940, 76-3, *Record*, p. 4336.

# REMARKS IN DEBATE

*See* "Congressional *Record*," pp. 643–654; "Debate," pp. 716–797.

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# REORGANIZATION PLANS

## Executive Reorganization: 5 U.S.C., 903–12 as Amended through Public Law 98–614

### "§ 903. Reorganization plans

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"(b) The President shall have a reorganization plan delivered to both Houses on the same day and to each House while it is in session, except that no more than three plans may be pending before the Congress at one time. In his message transmitting a reorganization plan, the President shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function. The message shall also estimate any reduction or increase in expenditures (itemized so far as practicable), and describe any improvements in management, delivery of Federal services, execution of the laws, and increases in efficiency of Government operations, which it is expected will be realized as a result of the reorganizations included in the plan.

"In addition, the President's message shall include an implementation section which shall (1) describe in detail (A) the actions necessary or planned to complete the reorganization, (B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and (C) any preliminary actions which have been taken in the implementation process, and (2) contain a projected timetable for completion of the implementation process. The President shall also submit such further background or other information as the Congress may require for its consideration of the plan.

"(c) Any time during the period of 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to it, but before any resolution described in section 909 has been ordered reported in either House, the President may make amendments or modifications to the plan, consistent with sections 903–905 of this title, which modifications or revisions shall thereafter be treated as a part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this chapter. The President may withdraw the plan any time prior to the conclusion of 90 calendar days of continuous session of Congress following the date on which the plan is submitted to Congress.