

## CONCURRENT RESOLUTIONS

Concurrent resolutions are commonly used by both Houses to take action within the scope of the power of the two bodies acting jointly. They must be approved by both Houses in identical form before they are effective. They do not become law, nor are they sent to the President for his signature, nor are they signed by the Speaker or the Vice President. They are attested by the Secretary of the Senate and the Clerk of the House and are transmitted after final approval to the Administrator of the General Services Administration for publication in the Statutes at Large.

The authority of concurrent resolutions extends to the power of both Houses acting jointly and they are used for such matters as the creation of joint committees, the printing of matters in which both Houses have a concern, to express the sense of Congress on a certain matter, the authorization of certain corrections in the enrollment of public laws, to provide for joint sessions of the two Houses, adjournments or recess of either or both Houses for more than three days to a day certain, and sine die adjournments.

Concurrent resolutions may not embody legislation; otherwise, under the Constitution they would have to be submitted to the President for his signature. The resolving clause of a Senate Concurrent Resolution reads: "Resolved by the Senate (the House of Representatives concurring)". . .

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### Rule VII, Paragraph 1

#### [Submitting of Concurrent and Other Resolutions]

1. On each legislative day after the Journal is read, the Presiding Officer on demand from any Senator shall lay before the Senate messages from the President, reports and communications from the heads of Departments, and other communications addressed to the Senate, and such bills, joint resolutions, and other messages from the House of Representatives as may remain upon his table from any previous day's session undisposed of. The Presiding Officer on demand of any Senator shall then call for, in the following order:

The presentation of petitions and memorials.

Reports of committees.

The introduction of bills and joint resolutions.

The submission of other resolutions.

All of which shall be received and disposed of in such order, unless unanimous consent shall be otherwise given, with newly offered resolutions being called for before resolutions coming over from a previous legislative day are laid before the Senate.

**Amendments of—When Not in Order:**

If the House of Representatives has amended a Senate Concurrent Resolution, an amendment proposed thereto in the Senate to a part of the text of the resolution not embraced in any of the House amendments, when that resolution is subsequently up for disposition of the House amendments, is not in order.<sup>1</sup>

**Amendments to Concurrent Resolutions To Correct Errors in Enrolled Bill:**

See "Corrections (Changes) in Enrolled Bills," pp. 824-825.

**Consideration of:**

See "Privileged for Immediate Consideration," p. 445.

**Consideration of, for Corrections (Changes) of Enrolled Bills:**

Consideration privileged but restricted. See "Corrections (Changes) of Enrolled Bills—Consideration of Such Resolution," p. 826.

**Form of Concurrent Resolutions Changed:**

See "Form of Bills and Resolutions Changed," pp. 233-234.

**General Characteristics:**

See also "Usages of Concurrent Resolutions," pp. 446-448.

Concurrent resolutions are used "to express the sense of Congress upon a given subject, to adjourn longer than 3 days, to make, amend, or suspend joint rules, and to accomplish similar purposes, in which both Houses have a common interest." "They are frequently used in ordering the printing of documents, in paying therefor, and in incurring and paying other expenses where the moneys necessary therefor have previously been appropriated and set apart by law for the use of the two Houses."<sup>2</sup>

<sup>1</sup> Feb. 16, 1956, 84-2, *Record*, pp. 2668-69.

<sup>2</sup> S. Rept. 1335, of the 54th Cong., prepared by the Committee on the Judiciary, pursuant to a resolution adopted by the Senate on Feb. 20, 1896, p. 6.

### Legislative Amendments Proposed to:

Concurrent resolutions are not used for the purpose of enacting legislation and are not binding or of legal effect and are not presented to the President of the United States for his approval,<sup>3</sup> but would be required to be presented to him only if they contained matter which is properly regarded as legislative in character and effect.<sup>4</sup>

In 1920, the Vice President ruled that an amendment, legislative in character, proposed to a concurrent resolution was in order,<sup>5</sup> and in 1926, a point of order that a House concurrent resolution contained legislation and was not in order was overruled.<sup>6</sup>

An amendment offered to a House concurrent resolution [to create a Joint Committee on Muscle Shoals, and to prescribe its duties], transferring to the Secretary of Agriculture the exercise of certain functions vested by law in the President of the United States, authorizing the formation of a government corporation to operate a nitrate plant and providing for sale of surplus power, and authorizing an appropriation of funds from the Treasury, was held to be in order as a substitute for the House concurrent resolution.<sup>7</sup>

### President Does Not Sign:

See also "Legislation on Senate Resolution Out of Order," pp. 905, 1206-1207.

Concurrent resolutions are not required to be presented to the President of the United States unless they contain matter which is properly to be regarded as legislative in character and effect,<sup>8</sup> and under the practice of the Senate, they are not used for legislative purposes, and are not sent to the President for approval.<sup>9</sup>

<sup>3</sup> Feb. 20, 1896, 54-1, *Journal*, p. 145; Jan. 26, 1897, 54-1, *Journal*, p. 76; July 19, 1945, 79-1, *Record*, pp. 7808-10.

<sup>4</sup> *Ibid.*

<sup>5</sup> June 1, 1920, 66-2, *Journal*, p. 323, *Record*, pp. 8071-72.

<sup>6</sup> Jan. 6 and Mar. 1, 1926, 69-1, *Journal*, pp. 75, 196; Mar. 8, 1926, 69-1, *Journal*, p. 212.

<sup>7</sup> Mar. 8, 1926, 69-1, *Journal*, p. 212, *Record*, p. 5218.

<sup>8</sup> Feb. 20, 1896, 54-1, *Journal*, p. 145; Jan. 26, 1897, 54-1, *Journal*, p. 76; see Nov. 24, 1903, 58-1, *Record*, p. 438.

<sup>9</sup> Nov. 7, 1919, 66-1, *Record*, pp. 8074-75; Dec. 8, 1826, 19-2, *Journal*, p. 28.

### **Privileged for Immediate Consideration:**

Concurrent resolutions falling into the following classifications have been held to be privileged business for immediate consideration:

- (1) Concurrent resolutions providing adjournment of the two Houses; <sup>10</sup>
- (2) Concurrent resolutions to correct errors in the enrollment of bills; <sup>11</sup>
- (3) Concurrent resolutions providing for joint sessions of the two Houses; <sup>12</sup> and
- (4) Concurrent resolutions disapproving Reorganization Plans. <sup>13</sup>

The Congressional Budget Act (Pub. L. 93-344) also makes budget concurrent resolution privileged business with specific time limitations for debate thereon.

In 1928 on one occasion, when a Senator having the floor yielded for the laying before the Senate of a concurrent resolution of the House, to authorize the printing of additional copies of hearings on a bill, the Chair ruled that, pursuant to Rule VII, paragraph 3, action on a motion made in relation thereto might be had without the right of such Senator to the floor being lost. <sup>14</sup>

### **Reading of, Three Times Not Required:**

Concurrent resolutions do not require the approval of the President, nor do they require three readings. <sup>15</sup>

### **Reconsideration of:**

See "Reconsideration," pp. 1124-1149.

### **Reference of Resolution Rescinding Signatures Not Required:**

See "Rescinding, etc.," p. 1167.

<sup>10</sup> See under "Adjournment," pp. 9-21.

<sup>11</sup> See "Enrolled Bills . . ." pp. 823-831.

<sup>12</sup> See "Joint Sessions," "Privileged Business," p. 892.

<sup>13</sup> See "Reorganization Plans," pp. 945-950.

<sup>14</sup> May 28, 1928, 70-1, *Journal*, p. 563, *Record*, p. 10309; old par. 7 is par. 8.

<sup>15</sup> Dec. 8, 1826, 19-2, *Journal*, p. 28; Apr. 25, 1979, 96-1, *Record*, p. 8625.

### Three Readings:

Resolutions which do not require the approval of the President to become effective do not require three readings before approval.<sup>16</sup>

### Usages of Concurrent Resolutions:

Concurrent resolutions are used:

(1) To affix signatures to a conference report and to recommit conference reports agreed to by one House. See "Recommit: With or Without Instructions," pp. 486-488.

(2) To authorize the Presiding Officers to sign bills during adjournment. See "Signing of Enrolled Bills," pp. 830-831.

(3) To correct errors in enrolled bills. See "Corrections (Changes) in Enrolled Bills," pp. 824-825.

(4) To count the electoral vote. See "Electoral Vote," pp. 812-814.

(5) To create joint committees.

A concurrent resolution was used to create a joint committee on Muscle Shoals, and to prescribe its duties, which the Senate on appeal decided was not legislative in character, after a point of order had been made that the resolution undertook to amend a permanent statute.<sup>17</sup>

(6) To postpone indefinitely a bill passed by both Houses. In 1952, a concurrent resolution was used to postpone indefinitely a bill which had been passed by both Houses and engrossed, after it was discovered that the beneficiary provided for in the bill had died.<sup>18</sup>

(7) To recall bills from the President.

Concurrent resolutions are used to request the President of the United States to return bills which have been passed by both Houses and which the President has not acted on, but on which one or both Houses wish to reconsider their action in passing the said bills.<sup>19</sup> Where a motion is entered to reconsider the vote on the passage of

<sup>16</sup> *Ibid.*

<sup>17</sup> Mar. 1, 1926, 69-1, *Journal*, p. 196, *Record*, pp. 4763-68.

<sup>18</sup> Feb. 6 and 7, 1952, 82-2, *Record*, pp. 886, 907.

<sup>19</sup> Apr. 29, 1890, 51-1, *Record*, p. 3963; see also Feb. 2, 1901, 56-2, *Record*, p. 1843; Mar. 3, 1891, 51-2, *Record*, p. 3881; Feb. 5, 6, and 7, 1901, 56-2, *Record*, pp. 1933, 1977, 2049, 2054; July 9, 1946, 79-2, *Record*, p. 8439; Apr. 19, 1939, 76-1, *Journal*, p. 244; Mar. 26, 1943, 78-1, *Journal*, p. 127.

a House bill which, in the meantime, has been signed by the Presiding Officers of the two Houses and had been presented to the President, a concurrent resolution should be submitted requesting the President to return the bill.<sup>20</sup>

(8) To recommit a conference report after adoption by one House. See "Conferences and Reports," "Recommit: With or Without Instructions," pp. 486-488.

(9) To reconsider enrolled bills. See "Enrolled Bills," "Reconsideration of," pp. 828-829.

(10) To rescind signatures of Presiding Officers of the two Houses. See "Enrolled Bills," "Signatures on Enrolled Bills Rescinded," pp. 829-830.

(11) To resume jurisdiction of proposed legislation.

The Senate having requested the House to return an engrossed bill, which had been enrolled and signed by the Speaker in the meantime, the President pro tempore held that a concurrent resolution should be passed to cancel the enrollment of the bill and vacate the signature of the Speaker to enable the Senate to resume jurisdiction of the measure.<sup>21</sup>

(12) To suspend law on printing of engrossed and enrolled bills.

Concurrent resolutions have been used to suspend the law requiring the printing of engrossed and enrolled bills.<sup>22</sup>

(13) To terminate effective date of law.

A concurrent resolution was utilized in 1945, pursuant to Public Law 521 of the 78th Congress, to fix a date for a termination of the existing war emergency as affecting the road building program defined in the Federal-Aid Highway Act of 1944.<sup>23</sup>

(14) To vacate the passage of a bill.

(15) To authorize the preparation of official duplicates of a lost original. See "Original Papers Lost," p. 239.

Concurrent resolutions have been adopted by both Houses to rescind the signatures of the Presiding Officers and to vacate the action of the two Houses in passing a

<sup>20</sup> Mar. 26, 1852, 82-2, *Record*, p. 2888.

<sup>21</sup> July 5, 1888, 50-1, *Record*, p. 5897.

<sup>22</sup> Feb. 25, 1929, 70-2, *Journal*, p. 210, *Record*, p. 4230; Feb. 28, 1931, 71-3, *Record*, p. 6491.

<sup>23</sup> See proceedings on H. Con. Res. 81 of 79th Cong., which passed the House on Sept. 27, 1945, and Senate on Oct. 2, 1945.

bill,<sup>24</sup> as well as to rescind the signatures of the Presiding Officers and to authorize reenrollment of bill with changes.<sup>25</sup>

#### Use of Concurrent Resolution Ruled Out of Order:

*See also* "Corrections (Changes) in Enrolled Bills," pp. 824-826.

A ruling of the Chair in 1890 held that a concurrent resolution could not be substituted for a bill,<sup>26</sup> and in 1917, such a resolution offered as a substitute for a joint resolution was defeated.<sup>27</sup>

In one instance a concurrent resolution authorizing the President of the United States to take whatever steps that were necessary and proper to bring about a resumption of anthracite coal-mining was held to be legislative in character and that a joint resolution would be required to effectuate that purpose.<sup>28</sup>

A concurrent resolution providing for the enrollment, signing, and presentation to the President of the United States of certain bills passed in the closing days of the preceding session was reported adversely and postponed indefinitely, on the ground that if such authority did not already exist it could not be conferred by a concurrent resolution.<sup>29</sup>

<sup>24</sup> Apr. 27, 1942, 77-2, *Record*, p. 3711; Apr. 28, 1942, 77-2, *Record*, p. 3758.

<sup>25</sup> May 9 and 12, 1952, 82-2, *Record*, pp. 4974, 5069.

<sup>26</sup> Apr. 23, 1890, 51-1, *Record*, p. 3703.

<sup>27</sup> Apr. 4, 1917, 65-1, *Record*, pp. 210, 258.

<sup>28</sup> Jan. 15, 1926, 69-1, *Record*, pp. 2120-2123.

<sup>29</sup> Dec. 4, 1916, 64-2, *Record*, p. 2; Dec. 12, 1916, 64-2, *Record*, p. 204.