

joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

§ 5. Concurrent Resolutions

Concurrent resolutions are used as a means by which the two Houses may concurrently express certain facts, or declare certain principles, opinions, or purposes. A concurrent resolution is binding on neither House until agreed to by both. They are not used in the adoption of general legislation. Concurrent resolutions are used in the adoption of joint rules, setting up joint committees, expressing the sense of Congress on propositions,⁽³⁾ and in recent years as vehicles by which both Houses are permitted to approve or disapprove of certain executive actions, pursuant to laws containing mechanisms for such procedures (see *House Rules and Manual*, 97th Congress, "Congressional Disapproval" provisions contained in public laws).

The important practical consideration to be kept in mind in distinguishing joint and concurrent resolutions, in the current usage, is that only the former must be submitted to the President for his approval before taking effect. A concurrent resolution does not involve an exercise of the legislative

3. *Procedure in the U.S. House of Representatives* (97th Cong.) Ch. 24 §1.3.

power under article I of the Constitution in which the President must participate. The following language is found in article I, section 7, clause 3, of the Constitution:

Every Order, Resolution, or Vote, to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him.

Since the passage of a concurrent resolution requires the concurrence of both Houses, it is possible to argue, on the basis of this language, that a concurrent resolution also requires submission to the President for his approval. However, the Congress has never accepted this literal interpretation. In 1897 the Committee on the Judiciary of the Senate issued a report on the nature of the concurrent resolution.⁽⁴⁾ The committee found that:

. . . [T]he Constitution looks beyond the mere form of a resolution in determining whether it should be presented to the President, and looks rather to the subject-matter of the resolution itself to ascertain whether it is one "to

4. Senate Committee on the Judiciary, Inquiry in Regard to River and Harbor Act, S. Rept. No. 1335, 54th Cong. 2d Sess. (1897); 4 Hinds' Precedents § 3483.

which the concurrence of the Senate and House of Representatives may be necessary."

The Constitution prescribes no definite form in which legislation shall be framed. The manner by which the legislative will may be expressed seems to be left to the discretion of Congress, except that section 7 (article I) seems to imply that it is to be done *by bill*, as it expressly provides that "*every bill* which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States" (subdivision 2); and it is also to be implied from the provisions of subdivision 3 (article 1, sec. 7) that it *may* be done by "order, resolution, or vote," and in that case it must be presented to the President as "in the case of a bill."

. . . [N]o "order, resolution, or vote" need be presented to the President unless its subject-matter is legislation to which the Constitution expressly requires in the first instance the assent of both Houses, matter to which such assent is constitutionally necessary. In other words, the phrase "to which the concurrence . . . may be necessary" should be held to refer to the "concurrence" made "necessary" by the other provisions of the Constitution and not to the mere form of the procedure; so that no mere resolution, joint, concurrent, or otherwise, need be presented to the President for his approval unless it relates to matter of legislation to which the Constitution requires the concurrence of both Houses of Congress and the approval of the President—in other words, unless such Congressional action be the exercise of "legislative powers" vested in Congress under the provisions of section 1, article I.

Use of Concurrent Resolution**§ 5.1 Concurrent resolutions are not used in practice to enact legislation; but if they are so used, the approval of the President would be required.**

On July 19, 1945,⁽⁵⁾ the following memorandum was prepared and inserted in the Record by Senator Abe Murdock, of Utah:

MEMORANDUM ON CONCURRENT
RESOLUTIONS

Article I, section 7, subdivision 3 of the Constitution of the United States provides:

“Every order, resolution, or vote, to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States.”

While this constitutional provision would seem literally to require that every concurrent resolution be submitted to the President, the Senate Committee on the Judiciary has indicated that a somewhat more liberal reading of the constitutional provision may be warranted. Senate Report No. 1335, Fifty-fourth Congress, second session, was submitted pursuant to a resolution of the Senate which directed the Judiciary Committee to inquire, among other things, as to whether concurrent resolutions generally are required to be submitted to the President of the United States.

5. 91 CONG. REC. 7809, 7810, 79th Cong. 1st Sess.

On the subject of concurrent resolutions, the committee report may be summarized as follows: Concurrent resolutions, except in a few early instances in which the resolution was neither designated as concurrent or joint, have not been used for the purposes of enacting legislation but 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, but with which the President has no concern. They have never embraced legislative provisions proper, and hence have never been deemed to require Executive approval. While resolutions, other than joint resolutions, may conceivably embrace legislation, if they do so they require the approval of the President. But Revised Statutes, Second Edition, 1878, page 2, sections 7 and 8, prescribe the form of bills and joint resolutions, and it may properly be inferred that Congress did not intend or contemplate that any legislation should thereafter be enacted except by bill or joint resolution. That is a fair inference, because Congress provided no form for legislation by concurring resolution. Moreover, the rules of the respective Houses treat bills and joint resolutions alike, and do not contemplate that legislation shall be enacted in any other form or manner.

In substance, it was the conclusion of the committee that concurrent resolutions were, as a matter of congressional practice, never used to enact legislation, but that if they were so used the approval of the President would be required. The committee report concludes that—

“Whether concurrent resolutions are required to be submitted to the Presi-

dent of the United States" must depend not upon their mere form but upon the fact whether they contain matter which is properly to be regarded as legislative in its character and effect. If they do, they must be presented for his approval; otherwise, they need not be. In other words, we hold that the clause in the Constitution which declares that every order, resolution, or vote must be presented to the President, to "which the concurrence of the Senate and House of Representatives may be necessary," refers to the necessity occasioned by the requirement of the other provisions of the Constitution whereby every exercise of "legislative power" involves the concurrence of the two Houses; and every resolution not so requiring two concurrent actions, to wit, not involving the exercise of legislative powers, need not be presented to the President. In brief, the nature or substance of the resolution, and not its form, controls the question of its disposition."

Cannon's Precedents of the House of Representatives, volume VII, section 1045, states that a "concurrent resolution" is not used in conveying title to Government property. His authority for this statement is that on January 15, 1923, a concurrent resolution declining a devise of land to be used as a national park was considered and agreed to with the following amendment:

Insert: *"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled" in lieu of "the Senate (the House of Representatives concurring)."* (64 Congressional Record 1773.)

In section 1037 of volume VII, Cannon states that "a concurrent resolu-

tion is without force and effect beyond the confines of the Capitol." In addition, in section 1084, Cannon states that on June 1, 1920, the Senate was considering the concurrent resolution respectfully declining to grant to the Executive the power to accept a mandate over Armenia, as requested in the message of the President, when Mr. Hitchcock, of Nebraska, offered an amendment empowering the President to appoint American members of a joint commission to supervise certain fiscal relations of Armenia. Mr. Henry Cabot Lodge, of Massachusetts, presented a point of order to the effect that this was a concurrent resolution, that concurrent resolutions did not go to the President, but that since the proposed amendment was legislation requiring the assent of the President it would not be in order on a resolution which does not go to the President. Thomas R. Marshall, Vice President of the United States, said that so far as he was aware there was no opinion of the Supreme Court to the effect that a concurrent resolution need not go to the President, and consequently overruled the point of order which had been made against it.

In response to an inquiry from the Secretary of the Interior, Attorney General Caleb Cushing, on August 23, 1854, rendered an opinion in which he held that a declaratory resolution of either House of Congress is not obligatory against the judgment of the Executive. He characterized the contrary view as follows:

"According to the letter of the Constitution, resolutions of the two Houses, even a joint resolution, when submitted to the President and disapproved by him, do not acquire the

force of law until passed anew by a concurrent vote of two-thirds of each House. On the present hypothesis, the better way would be not to present the resolution to the President at all, and then to call on him to accept it as law, with closed eyes, and, however against law he may know it to be, yet to execute it out of deference to the assumed opinion of Congress.

“In the second place, the hypothesis puts an end to all the forms of legislative scrutiny on the part of Congress. A declaratory law, especially if it involve the expenditure of the public treasure, has forms of legislation to go through to insure due consideration. All these time-honored means of securing right legislation will pass into desuetude, if the simple acceptance of a resolution, reported by a committee, is to be received as a constitutional enactment, obligatory on all concerned, including the Executive.

“In this way, instead of the revenues of the Government being subject only to the disposition of Congress in the form of a law constitutionally enacted, they will be transferred to the control of an accidental majority, expressing its will by a resolution, passed, it may be, out of time, and under circumstances, in which a law, duly and truly representing the will of Congress, could not have passed. And thus, all those checks and guards against the inconsiderate appropriation of the public treasure, so carefully devised by the founders of the Government, will be struck out of the Constitution.” (6 Op. Attorney General 694.)

With specific reference to the authority of Congress to declare by resolution, without presentation to the President, the meaning of an existing law,

the Attorney General stated (*idem*, p. 694):

“A mere vote of either or of both Houses of Congress, declaring its opinion of the proper construction of a general law, has, be it repeated, in itself, no constitutional force or obligation as law. It is opinion merely, and to be dealt with as such, receiving more or less of deference, like other mere opinions, according to the circumstances.”

Establishing Joint Committees

§ 5.2 The House adopted a concurrent resolution, establishing a Joint Committee on the Organization of the Congress, reported by the House Committee on Rules.

On Mar. 3, 1965,⁽⁶⁾ the Committee on Rules of the House of Representatives reported the following privileged resolution (H. Con. Res. 4):

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a Joint Committee on the Organization of the Congress (hereinafter referred to as the committee) to be composed of six Members of the Senate (not more than three of whom shall be members of the majority party) to be appointed by the President of the Senate, and six Members of the House of Representatives (not more than three of whom shall be members of the majority party) to be appointed by the Speaker of the House

6. 111 CONG. REC. 3995, 89th Cong. 1st Sess.

of Representatives. The committee shall select a chairman and a vice chairman from among its members. No recommendation shall be made by the committee except upon a majority vote of the members representing each House, taken separately.

Sec. 2. The committee shall make a full and complete study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationship with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution . . .

(d) The committee shall report from time to time to the Senate and the House of Representatives the results of its study, together with its recommendations, the first report being made not later than one hundred and twenty days after the effective date of this concurrent resolution. If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be. All reports and findings of the committee shall, when received, be referred to the Committee on Rules and Administration of the Senate and the appropriate committees of the House.⁽⁷⁾

7. On Mar. 11, 1965 (*Id.* at pp. 4768–80) following the passage of H. Con. Res. 4, S. Con. Res. 2 (an identical resolution) was taken from the Speaker's table and agreed to. The language of this concurrent resolu-

§ 5.3 The Joint Committee on Hawaii was created by a concurrent resolution.

On Aug. 21, 1937,⁽⁸⁾ the House agreed to the following concurrent resolution (S. Con. Res. 18):

Resolved by the Senate (the House of Representatives concurring), That there is hereby created a joint congressional committee to be known as the Joint Committee on Hawaii, which shall be composed of not to exceed 12 Members of the Senate, to be appointed by the President of the Senate, and not to exceed 12 Members of the House of Representatives and the Delegate from Hawaii, to be appointed by the Speaker of the House of Representatives. The committee shall select a chairman from among its members. The committee shall cease to exist upon making its report to Congress pursuant to this resolution.

Sec. 2. The committee is authorized and directed to conduct a comprehensive investigation and study of the subject of statehood and of other subjects relating to the welfare of the Territory of Hawaii. The committee shall report to the Senate and to the House of Representatives not later than January 15, 1938, the results of its investigation and study, together with its rec-

tion was similar to that employed in the 79th Congress in setting up a joint committee to study a proposal which resulted in the Legislative Reorganization Act of 1946. See H. Con. Res. 18, 79th Cong., H. Jour. pp. 80, 137, 79th Cong. 1st Sess.

8. 81 CONG. REC. 9624, 75th Cong. 1st Sess.

ommendations for such legislation as it deems necessary or desirable.

Sec. 3. For the purpose of this resolution, the committee is authorized to sit and act, as a whole or by subcommittee, at such times and places as it deems advisable, to hold such hearings, to administer such oaths and affirmations, to take such testimony, and to have such printing and binding done as it deems necessary.

§ 5.4 A concurrent resolution is used to provide for the appointment of a joint committee for the inauguration of the President-elect.

On May 5, 1948,⁽⁹⁾ the House considered and agreed to the following concurrent resolution (S. Con. Res. 48):

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect of the United States on the 20th day of January 1949.

§ 5.5 A concurrent resolution provided for the appointment of a joint committee to formulate plans for the commemoration of the anniversary

9. 94 CONG. REC. 5321, 80th Cong. 2d Sess.

sary of the death of General Lafayette.

On Feb. 2, 1934,⁽¹⁰⁾ the House considered and passed the following concurrent resolution (H. Con. Res. 26):

Resolved by the House of Representatives (the Senate concurring), That there is hereby established a special joint congressional committee to be composed of five members of the Senate to be appointed by the President of the Senate and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, which shall make appropriate arrangements for the commemoration of the one-hundredth anniversary of the death of General Lafayette, occurring on May 20, 1934.

Authorizing Hearings

§ 5.6 The Joint Committee on Washington Metropolitan Problems was authorized, by concurrent resolution, to hold hearings and report to the Committee on the District of Columbia of the Senate and House on two bills "to aid in the development of an integrated system of transportation for the National Capital region."

On Apr. 21, 1960,⁽¹¹⁾ the House considered and agreed to the fol-

10. 78 CONG. REC. 1889, 73d Cong. 2d Sess.

11. 106 CONG. REC. 8546, 86th Cong. 2d Sess.

lowing concurrent resolution (S. Con. Res. 101) from consideration of which the Rules Committee had been discharged:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on Washington Metropolitan Problems, created by House Concurrent Resolution 172, agreed to August 29, 1957 [and extended by S. Con. Res. 2 in the 86th Congress], is hereby authorized to hold public hearings on the bills S. 3193 and H.R. 11135, and to furnish transcripts of such hearings, and make such recommendations as it sees fit, to the Committees on the District of Columbia of the Senate and House of Representatives, respectively.

Additional Committee Funds

§ 5.7 The House agreed to a concurrent resolution providing additional funds for the Joint Committee on the Organization of the Congress.

On Jan. 27, 1966,⁽¹²⁾ the House agreed to the following concurrent resolution (S. Con. Res. 69) which had been called up for consideration pursuant to a unanimous-consent request by Mr. Ray J. Madden, of Indiana:

Resolved by the Senate (the House of Representatives concurring), That the Joint Committee on the Organization

12. 112 CONG. REC. 1341, 89th Cong. 2d Sess.

of the Congress, established by Senate Concurrent Resolution 2, Eighty-ninth Congress, agreed to March 11, 1965, is hereby authorized, from February 1, 1966, through December 31, 1966, to expend not to exceed \$140,000 from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

Adjournments

§ 5.8 The House agreed to a Senate concurrent resolution providing for sine die adjournment of Congress.

On Nov. 21, 1929,⁽¹³⁾ the House considered and agreed to the following privileged Senate concurrent resolution (S. Con. Res. 19):

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session of the Congress by adjourning their respective Houses on Friday, November 22, 1929, at the following hours, namely: the Senate at the hour of 10 o'clock p.m., and the House at such hour as it may by order provide.

§ 5.9 The House passed a concurrent resolution providing for adjournment sine die and giving the consent of the House to an adjournment sine die of the Senate at any time prior to Dec. 25, 1954.

13. 71 CONG. REC. 5916, 71st Cong. 1st Sess.

On Aug. 20, 1954,⁽¹⁴⁾ the House considered and agreed to a Senate amendment to a concurrent resolution (H. Con. Res. 266):

Strike out all after the enacting clause and insert "That the House of Representatives shall adjourn on August 20, 1954, and that when it adjourns on said day, it stand adjourned sine die.

"Resolved further, That the consent of the House of Representatives is hereby given to an adjournment sine die of the Senate at any time prior to December 25, 1954, when the Senate shall so determine; and that the Senate, in the meantime may adjourn or recess for such periods in excess of 3 days as it may determine."

§ 5.10 Adjournments of more than three days have been effected pursuant to concurrent resolution.

On June 22, 1940,⁽¹⁵⁾ the House adopted the following privileged concurrent resolution (H. Con. Res. 83):

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Saturday, June 22, 1940, they stand adjourned until 12 o'clock meridian, Monday, July 21, 1940.

§ 5.11 The House adopted a concurrent resolution pro-

14. 100 CONG. REC. 15554, 83d Cong. 2d Sess.

15. 86 CONG. REC. 9085, 76th Cong. 3d Sess.

viding that the House adjourn from July 21 to Oct. 8, 1945, and consenting to a Senate adjournment during the month of August or September until Oct. 8, 1945; the resolution also made provision for the earlier reassembling of the two Houses by the leadership if legislative expediency should so warrant.

On July 18, 1945,⁽¹⁶⁾ the House considered and agreed to the following concurrent resolution (H. Con. Res. 68):

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Saturday, July 21, 1945, it stand adjourned until 12 o'clock meridian on Monday, October 8, 1945, or until 12 o'clock meridian on the third day after Members are notified to reassemble in accordance with section 3 of this concurrent resolution, whichever occurs first.

Sec. 2. That the consent of the House of Representatives is hereby given to an adjournment of the Senate at any time during the month of August or September, 1945, until 12 o'clock meridian on Monday, October 8, 1945, or until 12 o'clock meridian on the third day after Members are notified to reassemble in accordance with section 3 of this concurrent resolution, whichever occurs first.

Sec. 3. The President pro tempore of the Senate and the Speaker of the

16. 91 CONG. REC. 7733, 7734, 79th Cong. 1st Sess.

House of Representatives shall notify the Members of the Senate and the House, respectively, to reassemble whenever in their opinion legislative expediency shall warrant it or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for the consideration of legislation.

Changing Text Agreed to by Both Houses

§ 5.12 Changes in the text of a joint resolution agreed to by the two Houses (but not yet sent to the President) may be made by concurrent resolution, called up by unanimous consent, which directs the Clerk to make corrections in the enrollment of the joint resolution.

On Feb. 1, 1937,⁽¹⁷⁾ the House was considering a Senate amendment to a joint resolution (H.J. Res. 81) creating a Joint Committee on Government Organization which had passed both the House and the Senate. Mr. John E. Rankin, of Mississippi, offered an amendment to the Senate amendment, but the Speaker⁽¹⁸⁾

17. 81 CONG. REC. 646-48, 75th Cong. 1st Sess.

18. William B. Bankhead (Ala.).

ruled it out of order because it amended language in the resolution to which both Houses had already agreed. The Speaker then indicated that the proposed change could be effected by concurrent resolution:⁽¹⁹⁾

MR. [CLAUDE A.] FULLER [of Arkansas]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. FULLER: Cannot that be amended by unanimous consent?

THE SPEAKER: The only way under the rules of the House by which this situation could be changed would be by a concurrent resolution, agreed to by both Houses, changing the text of the matter already passed upon by the House and accepted by the Senate.

§ 5.13 Items in an appropriation bill which were not in disagreement between the two Houses, and hence not committed to the conferees, were changed through adoption of a concurrent resolution called up unanimous consent.

On July 23, 1962,⁽²⁰⁾ the House adopted a concurrent resolution (H. Con. Res. 505) ordering the

19. See 7 Cannon's Precedents §§1041, 1042 for instances in which concurrent resolutions were used to amend bills agreed to by both Houses.

20. 108 CONG. REC. 14400, 14403, 87th Cong. 2d Sess.

Clerk of the House to make certain changes in the enrollment of a bill (H.R. 11038) making supplemental appropriations for the fiscal year 1962. Mr. Albert Thomas, of Texas, asked unanimous consent that further reading of the resolution be dispensed with so that he could explain the purpose of the resolution. The proceedings were as follows:

SECOND SUPPLEMENTAL
APPROPRIATION BILL, 1962

MR. THOMAS: Mr. Speaker, pursuant to the unanimous agreement of last Friday,⁽²¹⁾ I call up for consideration a House concurrent resolution.

The Clerk read as follows:

H. Con. Res. 505

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives be authorized and directed in the enrollment of the bill H.R. 11038 to make the following changes in the engrossed House bill:

(1) Page 2, strike out lines 13 to 16 inclusive. . . .

(28) Page 14, strike out lines 4 to 7, inclusive.

(29) Page 14, strike out lines 17 to 21, inclusive.

MR. THOMAS (interrupting reading of the House concurrent resolution): Mr. Speaker, I ask unanimous consent that

21. See 108 CONG. REC. 14364, 87th Cong. 2d Sess., July 20, 1962, for the unanimous-consent request "to consider on Monday next a concurrent resolution in connection with . . . H.R. 11038."

further reading of the resolution be dispensed with. I shall attempt to explain what it is.

THE SPEAKER:⁽²²⁾ Is there objection to the request of the gentleman from Texas?

There was no objection.

MR. THOMAS: Mr. Speaker, it will be recalled this deals with what we call the second supplemental appropriation bill for 1962. When the supplemental left the House it had 55 items carrying about \$447 million, which was a reduction, in round figures, of \$100 million under the budget, a reduction of about 20 percent.

It went to the other body and that body added some 29 items, increasing the amount over the House by \$112 million, which made a round figure of about \$560 million.

We bring to you two items, one a concurrent resolution and the other a conference report. First, why the concurrent resolution? We put in the concurrent resolution some 29 items which were originally in the supplemental, but those 29 items are a reduction—follow me now—below the figure that was in the supplemental when it left the House and the figure when it left the Senate.

It is a complete reduction and a change. It is in the concurrent resolution because it could not be in the conference report, and the reason it could not be in the conference report is because it is a reduction in those amounts. . . .

The previous question was ordered.

THE SPEAKER: The question is on the resolution.

22. Sam Rayburn (Tex.).

The concurrent resolution was agreed to.⁽¹⁾

Rescinding Passage of Bill

§ 5.14 The House agreed to a concurrent resolution rescinding the action of the two Houses in connection with the passage of a private bill and providing that the bill be postponed indefinitely.

On Feb. 7, 1952,⁽²⁾ the House by unanimous consent considered and agreed to the following concurrent resolution (S. Con. Res. 88):

Resolved by the Senate (the House of Representatives concurring), That the action of the two Houses in connection with the passage of the bill (S. 1236) for the relief of Kim Song Nore be rescinded, and that the said bill be postponed indefinitely.

1. *Parliamentarian's Note:* The second supplemental appropriation bill, H.R. 11038, was passed by the House on Mar. 30, and by the Senate, amended, on Apr. 6, 1962. The conference report was not filed until July 20. Since fiscal year 1962 expired on June 30, there was no longer a need for some of the funds carried in the bill when it passed the two Houses. To eliminate the sums no longer required, but not in disagreement, the concurrent resolution was agreed to.
2. 98 CONG. REC. 934, 82d Cong. 2d Sess.

Rescinding Resolution of Adjournment

§ 5.15 A concurrent resolution was submitted proposing to rescind a concurrent resolution adjourning the House to a day certain.

On Aug. 23, 1951,⁽³⁾ Mr. John E. Rankin, of Mississippi, offered a resolution (H. Con. Res. 152):

Resolved by the House of Representatives (the Senate concurring), That House Concurrent Resolution 151, Eighty-second Congress, is hereby repealed.

Mr. J. Percy Priest, of Tennessee, then interjected a motion that the House adjourn, and that motion was considered and agreed to (the motion to adjourn taking precedence over a concurrent resolution proposing to rescind a concurrent resolution adjourning the House to a day certain). Thereupon the House adjourned until Sept. 12, 1951, in accordance with the terms of House Concurrent Resolution 151.

Authorization to Conference Managers

§ 5.16 By concurrent resolution, the managers of a conference may be authorized to

3. 97 CONG. REC. 10586, 82d Cong. 1st Sess.

consider amendments inadvertently omitted from the official papers.

On July 20, 1956,⁽⁴⁾ Mr. Clair Engle, of California, asked unanimous consent for the immediate consideration of the concurrent resolution (S. Con. Res. 86) authorizing the conferees on H.R. 1774, abolishing the Verendrye National Monument, North Dakota, to consider certain Senate amendments that were inadvertently omitted from the official papers and not originally disagreed to by the House.

The resolution was as follows:

Resolved by the Senate (the House of Representatives concurring), That the conferees on H.R. 1774, in addition to the Senate amendments already pending before them, be authorized to consider the following amendments:

“(3) Page 1, line 6, strike out all after ‘permits’ down to and including ‘site’ in line 8.

“(4) Page 1, strike out all after line 8 over to and including line 5 on page 2.”

There was no objection, and the concurrent resolution was agreed to.

Amending Conference Report

§ 5.17 The House agreed to a concurrent resolution

4. 102 CONG. REC. 13724, 84th Cong. 2d Sess.

amending a conference report that had been agreed to by the two Houses.

On Feb. 27, 1931,⁽⁵⁾ the House by unanimous consent considered and agreed to the following concurrent resolution (H. Con. Res. 52):

Resolved by the House of Representatives (the Senate concurring), That the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill of the House (H.R. 980) entitled “An Act to permit the United States to be made a party defendant in certain cases,” heretofore agreed to by the two Houses be amended by adding at the end of the amendment agreed to in the report the following new section:

Sec. 7. This act shall not apply to any lien of the United States held by it for its benefit under the Federal Reclamation laws.

Rescinding Appointment of Conferees

§ 5.18 The House agreed to a concurrent resolution of the Senate rescinding the action of the two Houses in appointing conferees and providing for the return of the bill to the Senate for further amendment.

On May 20, 1940,⁽⁶⁾ the House, by unanimous consent, agreed to

5. 74 CONG. REC. 6279, 6280, 71st Cong. 3d Sess.

6. 86 CONG. REC. 6463, 76th Cong. 3d Sess.

the following concurrent resolution (S. Con. Res. 47):

Resolved by the Senate (the House of Representatives concurring). That the action of the two Houses, respectively, with reference to the appointment of conferees on the bill (H.R. 8438) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1941, and for other purposes, be, and it is hereby, rescinded; and that the bill, with the accompanying papers, be returned to the Senate.

Providing for Joint Session

§ 5.19 A joint session to receive a communication from the President is provided for by concurrent resolution.

On Jan. 3, 1935,⁽⁷⁾ the House considered and agreed to the following concurrent resolution (H. Con. Res. 1):

Resolved by the House of Representatives (the Senate concurring). That the two Houses of Congress assemble in the Hall of the House of Representatives on Friday, the 4th day of January, 1935, at 12:30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.⁽⁸⁾

7. 79 CONG. REC. 15, 74th Cong. 1st Sess.
8. This is the customary form for the concurrent resolution convening a joint session to hear the President's state of the Union message. For

§ 5.20 The House agreed to a concurrent resolution providing for a joint session of the two Houses to commemorate the 200th anniversary of George Washington's birthday.

On Jan. 20, 1932,⁽⁹⁾ the House, by unanimous consent, considered and agreed to the following concurrent resolution (H. Con. Res. 12):

Resolved by the House of Representatives (the Senate concurring). That in commemoration of the two-hundredth anniversary of the birth of George Washington the two Houses of Congress shall assemble in the Hall of the House of Representatives at 11:30 o'clock a.m. on Monday, February 22, 1932.

That the President of the United States, as the Chairman of the United States Commission for the celebration of the two-hundredth anniversary of the birth of George Washington, is hereby invited to address the American people in the presence of the Congress in commemoration of the bicentennial anniversary of the birth of the first President of the United States.

That invitations to attend the ceremony be extended to members of the

similar examples, see 113 CONG. REC. 34, 35, 90th Cong. 1st Sess, Jan. 10, 1967; 109 CONG. REC. 23, 88th Cong. 1st Sess., Jan. 9, 1963; and 100 CONG. REC. 8, 83d Cong. 2d Sess., Jan. 6, 1954.

9. 75 CONG. REC. 2342, 72d Cong. 1st Sess.

cabinet, the Chief Justice and associate justices of the Supreme Court of the United States, the Diplomatic Corps (through the Secretary of State), the General of the Armies, the Chief of Naval Operations, and the Major General Commandant of the Marine Corps, and such other persons as the Joint Committee on Arrangements shall deem proper.

§ 5.21 The House agreed to a concurrent resolution providing for a joint session of the two Houses to receive a message from the President; such session to commence immediately following the joint session to count the electoral vote.

On Jan. 6, 1945,⁽¹⁰⁾ the House considered and agreed to the following concurrent resolution (S. Con. Res. 2):

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Saturday, the 6th of January 1945, immediately following the counting of the electoral votes for President and Vice President, as provided for in Senate Concurrent Resolution 1, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The terms “joint meeting” and “joint session” have distinct mean-

10. 91 CONG. REC. 63, 79th Cong. 1st Sess.

ings. ‘Joint meeting’ is properly used to describe joint proceedings during recesses of the two Houses for purposes that are usually ceremonial, while “joint session” refers to actual sessions of both Houses that have some legislative purpose, or which are prescribed by law as the count of the electoral vote (3 USC § 15).

§ 5.22 A concurrent resolution providing for a joint session of the House and the Senate to receive a message from the President is privileged.

On May 20, 1935⁽¹¹⁾ Mr. Edward T. Taylor, of Colorado, asked for the immediate consideration of a concurrent resolution (H. Con. Res. 22) providing for a joint session of the House and Senate to receive a message from the President.

THE SPEAKER:⁽¹²⁾ The question is on the resolution.

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Speaker, reserving the right to object, I wish to ask a question.

THE SPEAKER: The Chair is of the opinion that this is a privileged resolution.

§ 5.23 The House agreed to a concurrent resolution pro-

11. 79 CONG. REC. 7838, 74th Cong. 1st Sess.

12. Joseph W. Byrns (Tenn.).

viding for a joint session of the two Houses to count the electoral votes for President and Vice President.

On Jan. 5, 1937,⁽¹³⁾ the House considered and agreed to the following concurrent resolution (S. Con. Res. 2):

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Wednesday, the 6th day of January 1937, at 1 o'clock p.m., pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to

13. 81 CONG. REC. 14, 75th Cong. 1st Sess.

the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

§ 5.24 The House agreed to a concurrent resolution providing for a joint session to hear an address by the President of Brazil.

On May 9, 1949,⁽¹⁴⁾ the House considered and agreed to the following concurrent resolution (H. Con. Res. 59):

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, the 19th day of May 1949, at 12:30 o'clock p.m., for the purpose of hearing an address by His Excellency Eurico Gaspar Dutra, President of the United States of Brazil.

Parliamentarian's Note: This appears to have been a joint session, but most such occasions are joint meetings which are arranged informally by each House granting permission for a recess on the day agreed upon without a concurrent resolution being used.

14. 95 CONG. REC. 5909, 81st Cong. 1st Sess.

Legislative Budget

§ 5.25 A legislative budget for a fiscal year was established by concurrent resolution.

On Feb. 27, 1948,⁽¹⁵⁾ the House considered the following concurrent resolution (S. Con Res. 42) which had been made in order for consideration by the adoption of House Resolution 485:

Resolved by the Senate (the House of Representatives concurring), That it is the judgment of the Congress, based upon presently available information, that revenues during the period of the fiscal year 1949 will approximate \$47,300,000,000 and that expenditures during such fiscal year should not exceed \$37,200,000,000, of which latter amount not more than \$26,600,000,000 would be in consequence of appropriations hereafter made available for obligation in such fiscal year.

Providing Facilities for Prayer

§ 5.26 A concurrent resolution authorized the Architect of the Capitol to make available a room, with facilities for prayer and meditation, for the use of Members of the Senate and House.

On July 17, 1953,⁽¹⁶⁾ the House, by unanimous consent, considered

15. 94 CONG. REC. 1875-85, 80th Cong. 2d Sess.

16. 99 CONG. REC. 9073-76, 83d Cong. 1st Sess.

and agreed to the following concurrent resolution (H. Con. Res. 60):

Resolved by the House of Representatives (the Senate concurring), That the Architect of the Capitol is hereby authorized and directed to make available a room, with facilities for prayer and meditation, for the use of Members of the Senate and House of Representatives. The Architect shall maintain the prayer room for individual use rather than assemblies and he shall provide appropriate symbols of religious unity and freedom of worship.

Attendance at Foreign Meeting

§ 5.27 A concurrent resolution provided for the acceptance of an invitation to attend a meeting of the Empire Parliamentary Association and for the appointment of certain Members to a delegation thereto.

On June 22, 1943,⁽¹⁷⁾ the House considered and agreed to the following concurrent resolution (S. Con. Res. 14):

Resolved by the Senate (the House of Representatives concurring), That the Senate and the House of Representatives hereby accept the invitation tendered by the Speaker of the Senate of Canada and joint-president of the Empire Parliamentary Association, Dominion of Canada branch, to have four

17. 89 CONG. REC. 6268, 78th Cong. 1st Sess.

Members of the Senate and four Members of the House of Representatives attend a meeting to be held in Ottawa, Canada, during the period June 26 to July 1, 1943, at which the Dominion of Canada Branch of the Empire Parliamentary Association will be host to a delegation from the United Kingdom Parliament and probably to delegations from the legislative bodies of Australia, New Zealand, and Bermuda. The President of the Senate and the Speaker of the House of Representatives are authorized to appoint the Members of the Senate and the Members of the House of Representatives, respectively, to attend such meeting and are further authorized to designate the chairmen of the delegations from each of the Houses. The expenses incurred by the members of the delegations appointed for the purpose of attending such meeting, which shall not exceed \$1,000 for each of the delegations, shall be reimbursed to them from the contingent fund of the House of which they are Members, upon the submission of vouchers approved by the chairman of the delegation of which they are members.

Honoring Former Presidents

§ 5.28 A concurrent resolution may be used by the Congress to extend birthday greetings to a former President of the United States.

On Aug. 2, 1949,⁽¹⁸⁾ the House, by unanimous consent, considered and agreed to the following con-

18. 95 CONG. REC. 10628, 81st Cong. 1st Sess.

current resolution (S. Con. Res. 59):

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby extends to the Honorable Herbert Hoover, our only living ex-President, its cordial birthday greetings on his seventy-fifth birthday, and expresses its admiration and gratitude for his devoted service to his country and to the world; and that the Congress hereby expresses its hope that he be spared for many more years of useful and honorable service; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to Mr. Hoover.

§ 5.29 By concurrent resolution a day was set aside for appropriate exercises in commemoration of the life, character, and public service of former President Franklin D. Roosevelt.

On May 23, 1946,⁽¹⁹⁾ the House, by unanimous consent, considered the following concurrent resolution (H. Con. Res. 152):

Resolved, That Monday, the 1st day of July 1946, be set aside as the day upon which there shall be held a joint session of the Senate and the House of Representatives for appropriate exercises in commemoration of the life, character, and public service of the late Franklin D. Roosevelt, former President of the United States.

19. 92 CONG. REC. 5559, 79th Cong. 2d Sess.

That a joint committee, to consist of three Senators and five Members of the House of Representatives, to be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives, respectively, shall be named, with full power to make all arrangements and publish a suitable program for the joint session of Congress herein authorized, and to issue the invitations hereinafter mentioned.

That invitations shall be extended to the President of the United States, the members of the Cabinet, the Chief Justice and Associate Justices of the Supreme Court of the United States, and such other invitations shall be issued as to the said committee shall seem best.

That all expenses incurred by the committee in the execution of the provisions of this resolution shall be paid, one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives.

Honoring Military Figures

§ 5.30 The House agreed to a concurrent resolution tendering the thanks of Congress to General of the Army Douglas MacArthur.

On July 20, 1962,⁽²⁰⁾ the House, by unanimous consent, considered and agreed to the following concurrent resolution (H. Con. Res. 347):

Resolved by the House of Representatives (the Senate concurring), That the

20. 108 CONG. REC. 14329, 14330, 87th Cong. 2d Sess.

thanks and appreciation of the Congress and the American people are hereby tendered to General of the Army Douglas MacArthur, in recognition of his outstanding devotion to the American people, his brilliant leadership during and following World War II, and the unsurpassed affection held for him by the people of the Republic of the Philippines which has done so much to strengthen the ties of friendship between the people of that nation and the people of the United States.⁽¹⁾

§ 5.31 The House agreed to a concurrent resolution authorizing the use of the rotunda of the Capitol for lying-in-state ceremonies for the body of General of the Army Douglas MacArthur.

On Apr. 6, 1964,⁽²⁾ the House, by unanimous consent, considered and agreed to the following concurrent resolution (S. Con. Res. 74):

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered by Douglas MacArthur, General of the Army of the United States, the remains be per-

- 1.** See also concurrent resolution commending Lt. Col. John H. Glenn, USMC, on successfully completing the first United States manned orbital space flight. 108 CONG. REC. 2608, 87th Cong. 2d Sess., Feb. 20, 1962.
- 2.** 110 CONG. REC. 6878, 88th Cong. 2d Sess.

mitted to lie in state in the rotunda of the Capitol from April 8 to April 9, 1964, and the Architect of the Capitol, under the direction and supervision of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take all necessary steps for the accomplishment of that purpose.

Honoring Foreign Governments

§ 5.32 The House agreed to a concurrent resolution amending a concurrent resolution providing for a joint session in commemoration of the 50th anniversary of the liberation of Cuba.

On Apr. 14, 1948,⁽³⁾ the House considered and agreed to the following concurrent resolution (H. Con. Res. 184):

Resolved by the House of Representatives (the Senate concurring), That the first paragraph of House Concurrent Resolution 139, Eightieth Congress, is hereby amended to read as follows:

"That in commemoration of the fiftieth anniversary of the liberation of Cuba, the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock meridian, on Monday, April 19, 1948."

§ 5.33 The House agreed to a concurrent resolution extending the congratulations

3. 94 CONG. REC. 4437, 80th Cong. 2d Sess.

of Congress to the Finnish Parliament on its 50th anniversary.

On Nov. 27, 1967,⁽⁴⁾ the House considered and agreed to the following concurrent resolution (S. Con. Res. 49):

Whereas the year 1967 marks the fiftieth anniversary of the independence of Finland; and

Whereas these fifty years have been marked by close ties of friendship and association between Finland and the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States extends its congratulations and best wishes to the Parliament of Finland on the occasion of the fiftieth anniversary of the independence of Finland and in affirmation of the affection and friendship of the people of the United States for the people of Finland.⁽⁵⁾

Honoring Royalty

§ 5.34 The House agreed to a concurrent resolution to assemble the House and the Senate in the rotunda to wel-

4. 113 CONG. REC. 33762, 33763, 90th Cong. 1st Sess.

5. *Parliamentarian's Note:* The concurrent resolution was enrolled on parchment, signed by the Speaker and the Vice President, and transmitted to the Secretary of State. The Secretary in turn saw to it that the resolution was included in the next diplomatic pouch to Finland.

come the King and Queen of Great Britain and appointing a joint committee to make necessary arrangements.

On May 23, 1939,⁽⁶⁾ the House, by unanimous consent, considered and agreed to the following concurrent resolution (S. Con. Res. 17):

Resolved by the Senate (the House of Representatives concurring). That the two Houses of Congress shall assemble in their respective Houses on Friday, June 9, 1939, at 10:30 o'clock antemeridian, and thereafter, in recess, the Members of each House shall proceed informally to the rotunda of the Capitol at 11 o'clock antemeridian, for the purpose of welcoming Their Majesties the King and Queen of Great Britain, and the members of their party, on the occasion of their visit to the Capitol, and at the conclusion of such ceremonies the two Houses shall reassemble in their respective Chambers.

That a joint committee consisting of three Members of the Senate, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House, is hereby authorized to make the necessary arrangements for carrying out the purpose of this concurrent resolution.⁽⁷⁾

6. 84 CONG. REC. 6032, 76th Cong. 1st Sess.

7. See also S. Con. Res. 20, 84 CONG. REC. 7151, 76th Cong. 1st Sess., June 19, 1939, authorizing expenses from the contingent funds of the two Houses for the reception of the King

§ 6. Simple Resolutions

Cross References

Simple Resolutions as related to House-Senate Conferences, Ch. 33, *infra*.

Simple Resolutions as related to privileges of the House or a Member, Ch. 11, *supra*.

Simple resolutions and special orders, Ch. 21, *supra*.

Use of Simple Resolution

§ 6.1 Simple resolutions are used in dealing with non-legislative matters such as expressing opinions or facts, creating and appointing committees, calling on departments for information, reports, and the like. Except as specifically provided by law, they have no legal effect, and require no action by the other House. Containing no legislative provisions, they are not presented to the President of the United States for his approval, as in the case of bills and joint resolution.

On Oct. 29, 1943,⁽⁸⁾ during consideration in the Senate of a Senate resolution (S. Res. 192) declar-

and Queen of Great Britain in the rotunda of the Capitol.

8. 89 CONG. REC. 8901, 8902, 78th Cong. 1st Sess.