

## RESOLUTIONS

*See also* “Bills,” pp. 225–250; “Concurrent Resolutions,” pp. 442–448.

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Senate simple resolutions and concurrent resolutions may not embody legislation. Simple Senate resolutions are restricted to the scope of authority of the Senate acting as a single body of Congress, and are used for such purposes as expressing the sense of the Senate on a matter, to adopt rules for the Senate, to adopt special and standing orders, to print matters for Senate use to be paid out of the contingent fund of the Senate, to create special committees, and to provide expenditures for all Senate committees, and to take care of general housekeeping functions of that body. Concurrent resolutions serve in the same capacity for both Houses of Congress acting jointly, and are used for such purposes as to correct the enrollment of bills and joint resolutions, to create joint committees, to print documents, hearings, and reports, and so forth, to be paid out of the contingent funds of either or both Houses and the like.

Neither simple nor concurrent resolutions are legislative in character and neither is sent to the President of the United States for his signature; an amendment legislative in nature is not in order to either when they are under consideration in the Senate. Unlike bills and joint resolutions, they are not read three times before approval.

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### Rule VII

#### [Morning Business]

For complete text of rule, *see* pp. 919–920.

### Rule VIII

#### [Call of Calendar and Order of Business]

For complete text of rule, *see* p. 254.

### Rule XIV

#### [Bills, Joint Resolutions and Resolutions]

For complete text of rule, *see* pp. 229–230.

## Rule XV, Paragraphs 1 and 2

### [Motions Reduced to Writing—Mover May Withdraw or Modify Before Action on]

1. All motions and amendments shall be reduced to writing, if desired by the Presiding Officer or by any Senator, and shall be read before the same shall be debated.

2. Any motion, amendment, or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave.

## Rule XIV, Paragraph 8

### [Preamble—Action on]

When a bill or resolution is accompanied by a preamble, the question shall first be put on the bill or resolution and then on the preamble, which may be withdrawn by a mover before an amendment of the same, or ordering of the yeas and nays; or it may be laid on the table without prejudice to the bill or resolution, and shall be a final disposition of such preamble.

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### Amendable, Resolutions Are:

*See also* “Amendments,” pp. 24-125; “Bills,” pp. 225-250.

A resolution is not subject to amendment pending a request for its consideration.<sup>1</sup>

An amendment legislative in character is not in order when proposed to a Senate resolution.<sup>2</sup>

A bill or joint resolution is used to enact legislation.<sup>3</sup>

It is not in order to offer the text of a proposed constitutional amendment as a substitute for a Senate resolution.<sup>4</sup>

### Authority or Jurisdiction of a Resolution:

*See* “Scope of Authority of a Resolution,” p. 1210.

### Bills and Joint Resolutions:

*See* “Bills,” pp. 225-250.

<sup>1</sup> July 1, 1943, 78-1, *Record*, pp. 6929-31.

<sup>2</sup> Mar. 14, 1963, 88-1, *Record*, p. 4241; *see* July 2, 1964, 88-2, *Record*, p. 15820.

<sup>3</sup> Mar. 14, 1963, 88-1, *Record*, p. 4241.

<sup>4</sup> Jan. 21, 1932, 72-1, *Record*, p. 2414.

**Calendar, Resolutions on:**

*See* "Calendar," pp. 253-267.

**Changed to Bill by Amending Resolution:**

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

**Concurrent Resolutions:**

*See* "Concurrent Resolutions," pp. 442-448.

**Consideration of:**

*See also* "Call of Calendar Under the Rule," pp. 258-263; "Communications and Messages to the Senate," pp. 430-441; "Consideration, Question of," pp. 655-682; "Morning Business," pp. 918-926; "Morning Hour," pp. 927-934; "Over Under the Rule," pp. 957-967; "Privileged Business," pp. 1034-1037. For the consideration of a resolution ordered to lie on the table, *see* "Lie on Table," pp. 910-911.

Resolutions are not generally privileged for immediate consideration.<sup>5</sup>

A resolution is not properly considered to be before the Senate until it has been read by the Clerk, but the reading by a Senator may, by unanimous consent, be regarded as having been read by the Clerk.<sup>6</sup>

After a resolution has been submitted and read, it is too late to object, under Rule XI, paragraph 3, to its reading.<sup>7</sup>

A resolution submitted during the Morning Hour, and considered by unanimous consent, does not go to the Calendar at the expiration of two hours on a new legislative day if there is no unfinished business.<sup>8</sup>

A resolution considered in the absence of objection, during which a motion to refer was debated and withdrawn, cannot then be barred by an objection to its further consideration.<sup>9</sup>

Likewise, the consideration of a resolution taken up on motion during the Morning Hour as contrasted to one coming over under the rule is not terminated after two

<sup>5</sup> Feb. 23, 1985, 99-1, *Record*, p. 3276.

<sup>6</sup> Mar. 17, 1905, 59—Special Session, *Record*, p. 19.

<sup>7</sup> June 17, 1929, 71-1, *Journal*, p. 118, *Record*, pp. 2946-47.

<sup>8</sup> *See* Jan. 17, 1918, 65-2, *Record*, pp. 912, 919; Mar. 27, 1939, 76-1, *Record*, pp. 3335-36.

<sup>9</sup> June 22, 1922, 67-2, *Journal*, p. 306, *Record*, pp. 9148-49.

hours of session, but continued when there is no unfinished business.<sup>10</sup>

Where the Senate fixes a specific day to consider a Senate resolution, then pending before a committee, it was held that the committee, upon the arrival of such time, was discharged from its consideration and that it was before the Senate.<sup>11</sup>

During the consideration in executive session of a resolution relating to the World Court, a motion to adopt a resolution, submitted on the same legislative day, calling on the Secretary of State for certain related documents, was conceded to be out of order.<sup>12</sup>

### **Contingent Fund Expenditures, Resolutions Providing:**

*See* "Investigations and Inquiries," pp. 881-890; "Multiple References," pp. 1164-1166.

### **Co-Sponsors of Resolutions:**

*See* "Co-Sponsors," pp. 231-232.

### **Credentials, Resolutions Relating to:**

*See* "Credentials and Oath of Office," pp. 695-710.

### **Deaths, Resolutions Relating to:**

*See* "Memorial Services," pp. 913-916.

### **Debate, Adoption of Resolution:**

*See* "Debatable Matters," pp. 735-737.

### **Division of Question:**

*See also* "Division of Pending Question," pp. 807-812.

A Senate resolution consisting of various independent propositions is divisible before voting thereon.<sup>13</sup>

If a division of the question has been demanded under Rule XV on a resolution which is divisible into two parts

<sup>10</sup> *See* Mar. 27, 1939, 76-1, *Record*, pp. 3335-36.

<sup>11</sup> Apr. 22 and May 6, 1924, 68-1, *Journal*, pp. 289, 323, *Record*, p. 7904.

<sup>12</sup> Jan. 23, 1926, 69-1, *Record*, p. 2658.

<sup>13</sup> Mar. 23, 1942, 77-2, *Record*, p. 2791.

and the resolution is modified into two separate resolutions, the demand for division would still be applicable.<sup>14</sup>

### **Executive Business—Resolutions on:**

See “Executive Business and Executive Sessions,” pp. 832-842; “Nominations,” pp. 938-953; “Treaties,” pp. 1294-1310.

### **Forms of Resolutions Changed:**

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

### **Introduction of Resolutions:**

See “Submittal of Resolutions,” pp. 1210-1211.

### **Investigations, Resolutions on:**

See “Investigations and Inquiries,” pp. 881-890.

### **Joint Resolutions:**

See “Bills,” pp. 225-250.

### **Legislation on Senate Resolution Out of Order:**

See also “Legislation on Senate Resolution Out of Order,” p. 905.

Henry H. Gilfry, in his *Precedents of the United States Senate*, on page 473, published the following quotation:

In an elaborate report, No. 1335 (54th Cong., 2d sess.), made by Mr. David B. Hill, of New York, on behalf of the Judiciary Committee, said: “Whether concurrent resolutions are required to be submitted to the President 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 powers” involves the concurrence of the two Houses; and every resolution not so requiring such concurrent action, 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. This report was not acted on by the Senate, hence has no authority of law. In the early days of Congress the President ap-

<sup>14</sup> June 22, 1967, 90-1, *Record*, pp. 16996-97.

proved simple resolutions as well as bills and joint resolutions, although he did not approve three of the latter during those Congresses.<sup>15</sup>

### **Lie on Table, Resolutions Ordered To, Brought Up on Motion:**

See "Lie on Table," pp. 910-911.

### **Lie Over One Day on Objection:**

See "Lie Over One Day, Reports Required To," pp. 1186-1188; "Over Under the Rule," pp. 957-967; "Reports on Resolutions," pp. 1209-1210.

### **Lie Over Under the Rule:**

See "Over Under the Rule," pp. 957-967.

### **Modified or Withdrawn:**

See also "Withdrawn or Modified, Resolutions," pp. 1212-1213.

An original resolution reported from a committee may be modified even when it is before the Senate for consideration when such action is authorized by the committee.<sup>16</sup>

It had been held that a reported resolution could not be modified by the introducer except by unanimous consent.<sup>17</sup>

However, the Chair has stated on two occasions that the sponsor of a resolution had a right to modify the resolution if no Senate action had been taken on it.<sup>18</sup>

### **Nonprivileged Resolutions:**

See "Nonprivileged Business," pp. 953-954; also "Over Under the Rule," pp. 957-967.

### **Original Resolution Reported by Committees:**

See "First and Second Reading Before References," pp. 241-243; "Original Bills Reported by," p. 408.

<sup>15</sup> Dec. 18, 1883, 48-1, *Record*, p. 156.

<sup>16</sup> June 22, 1967, 90-1, *Record*, pp. 16994-96.

<sup>17</sup> *Ibid.*

<sup>18</sup> Oct. 9, 1987, 100-1, *Record*, p. S 13941; Oct. 20, 1987, 100-1, *Record*, p. S 14553.

**Over Under the Rule:**

*See* “Over Under the Rule,” pp. 957–967.

**Petitions and Memorials and Resolutions:**

*See* “Communications and Messages to the Senate,” pp. 430–441.

**Postpone to a Day Certain:**

*See* “Postpone, Motion To,” pp. 997–1003.

**Preambles to Resolutions:**

*See* “Preambles,” pp. 1005–1007.

**President Pro Tempore, Resolution for Election of:**

*See* “President Pro Tempore,” pp. 1019–1024.

**Privileged Resolutions:**

*See* “Nonprivileged Business,” pp. 953–954; “Privileged Business,” pp. 1034–1037.

**Quorum Call Not Required Preceding Agreement for Final Vote on Senate Resolution:**

*See* “Unanimous Consent Agreement To Fix Time for Vote on Bill—When Quorum Call Required,” pp. 1071–1074.

**Reading of Resolution:**

*See also* “Consideration, Question of,” pp. 655–682.

A Senator has a right to have read, or he may read, a resolution submitted by him, but any Senator, if he deems the matter one requiring secrecy, may, under the rule, interrupt such reading to move that the doors be closed.<sup>19</sup>

**Reading of Three Times Not Required:**

A resolution that does not require the approval of the President does not require three readings.<sup>20</sup>

<sup>19</sup> Mar. 17, 1905, 59-Special Session, *Record*, p. 19.

<sup>20</sup> Dec. 8, 1826, 19-2, *Journal*, p. 28.

**Recommit:**

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

**Reconsideration of Resolutions:**

See "Reconsideration," pp. 1124-1149.

**Reference of Resolutions:**

See also "Investigations and Inquiries," pp. 881-890; "Over Under the Rule," pp. 957-967; "References to Committees," pp. 1150-1169.

Resolutions, when submitted, just as bills, are automatically referred to the appropriate standing committee unless some other disposition is requested and granted.<sup>21</sup>

In 1921, a ruling was made that a motion to refer a resolution coming over from a previous day was not debatable.<sup>22</sup>

On one occasion in 1913, the Chair ruled that a resolution to amend the rules can be referred on the day of its introduction only by unanimous consent.<sup>23</sup>

**Reports on Resolutions:**

See also "Calendar of Business," pp. 256-258; "Reports," pp. 1176-1201.

A resolution when reported from a committee is placed upon the Calendar,<sup>24</sup> and if its consideration is objected to when reported, it is not subsequently laid before the Senate as a resolution going over under the rule, but is placed upon the Calendar.<sup>25</sup>

A motion for an extension of time in which a committee was required to submit a report is in the nature of a resolution, and upon objection to its consideration must lie over 1 legislative day.<sup>26</sup>

It is not in order in such a case to move to amend the original resolution so as to extend the time for such a report, as that could only be done by reconsidering the vote by which the resolution was adopted.<sup>27</sup>

<sup>21</sup> See Aug. 31, 1966, 89-2, *Record*, pp. 21442-44; July 30, 1970, 91-2, *Record*, pp. 26590-91.

<sup>22</sup> Jan. 18, 1921, 66-3, *Record*, p. 1545.

<sup>23</sup> Apr. 12, 1913, 63-1, *Record*, pp. 164-165.

<sup>24</sup> May 16, 1918, 65-2, *Record*, pp. 6579, 6580.

<sup>25</sup> See Feb. 20, 1885, 48-2, *Record*, p. 1932.

<sup>26</sup> June 5, 1913, 63-1, *Record*, p. 1900.

<sup>27</sup> *Ibid.*



The Senate in its rulemaking power, however, has altered that situation relative to resolutions providing supplemental funds for committees by adopting an amendment to the rules to provide that:

“\* \* \* After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a committee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.”

#### **Rules Changes, Resolution for:**

*See* “Rules,” pp. 1217–1227.

#### **Scope of Authority of a Resolution:**

In response to a parliamentary inquiry the Chair stated that a Senate resolution has no legal effect but is used in dealing with nonlegislative matters exclusively within the jurisdiction of the Senate.<sup>28</sup>

#### **Statute Versus Resolution:**

A Senate resolution directing the Secretary of the Treasury to furnish the Senate with certain information secured from income and profits tax returns is not in order, as being in contravention of a statute; a joint resolution should be used in such a case.<sup>29</sup>

#### **Submittal of Resolutions:**

*See also* “Morning Business,” pp. 918–926; “Morning Hour,” pp. 927–934.

Unanimous consent is required for the submittal of a Senate resolution after the conclusion of morning busi-

<sup>28</sup> *See* Oct. 29, 1943, 78-1, *Record*, pp. 8901–02.

<sup>29</sup> Jan. 21, 1920, 66-2, *Journal*, p. 87, *Record*, p. 1819.

ness,<sup>30</sup> or Morning Hour,<sup>31</sup> or while unfinished business is pending.<sup>32</sup> Under a unanimous consent agreement providing for a final vote on a bill and that in the meantime such bill should not be laid aside except for privileged matters, a Senate resolution providing for an investigation can only be taken up by unanimous consent.<sup>33</sup>

A resolution submitted by unanimous consent during a call of the Calendar will, upon a demand for the regular order to a request made for its immediate consideration, go over under the rule.<sup>34</sup>

It takes unanimous consent to submit a resolution from the floor for referral unless the Senate is conducting Morning Business.<sup>35</sup>

#### **Table:**

*See also* "Lie on Table," pp. 910-911.

A motion to table a resolution which has been modified by the mover is in order,<sup>36</sup> even after debate has proceeded.

#### **Three Readings Not Required:**

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

#### **Title of Resolution Amended:**

On various occasions the titles of resolutions have been amended.<sup>37</sup>

#### **Treaties, Resolutions on:**

*See* "Resolutions of Ratification," pp. 1306-1307.

<sup>30</sup> Jan. 23, 1896, 54-1, *Record*, p. 904; June 28, 1945, 79-1, *Record*, p. 6904.

<sup>31</sup> June 28, 1945, 79-1, *Record*, p. 6904.

<sup>32</sup> Mar. 31, 1939, 76-1, *Record*, p. 3619.

<sup>33</sup> May 2, 1950, 81-2, *Record*, pp. 6145-47.

<sup>34</sup> Feb. 15, 1943, 78-1, *Record*, p. 928.

<sup>35</sup> *See* July 27, 1982, 97-2, *Record*, p. 17975.

<sup>36</sup> Mar. 17, 1913, 63-Special Session, *Record*, p. 27.

<sup>37</sup> May 30, 1934, 73-2, *Journal*, p. 461; May 10, 1940, 76-3, *Journal*, p. 359; Jan. 28, 1943, 78-1, *Record*, p. 416; Oct. 18, 1951, 82-1, *Record*, p. 13445; Feb. 19, 1951, 82-1, *Record*, p. 1338; Feb. 20, 1950, 81-2, *Record*, p. 1944; July 1, 1943, 78-1, *Record*, p. 6932.

### **Unanimous Consent to Vote Up or Down at Certain Hour:**

Such an agreement bars motions to refer or to table. See "References to Committees," pp. 1150-1169; "When Motion to Table Is Not in Order," pp. 1286-1288; "Table, Motions Under Unanimous Consent Agreements," pp. 1364-1366; "Vote on Final Passage Under Unanimous Consent Agreement," pp. 1368-1369.

### **Unfinished Business, Effect of a Resolution on:**

See also "Unfinished Business," pp. 1370-1380.

Unfinished business cannot be made by a resolution of the Senate.<sup>38</sup>

Instance where a Senate resolution was submitted, providing that immediately after the disposition of the then unfinished business the Senate would take up for consideration a certain bill, and the bill having been subsequently considered and passed, the resolution was withdrawn.<sup>39</sup>

### **Withdrawn or Modified, Resolutions:**

See also "Modified or Withdrawn," p. 1207.

The mover of a resolution has a right to modify it where no action by the Senate has been taken thereon,<sup>40</sup> but such modification is not in order pending action on a motion to proceed to its consideration.<sup>41</sup>

An original Senate resolution reported from a committee may be modified when such action is authorized by the committee.<sup>42</sup>

A Senate resolution under consideration may, in the temporary absence of the mover thereof, be modified by another Senator acting upon request and on behalf of the former.<sup>43</sup>

While unfinished business is pending, a resolution, for which unanimous consent for its consideration has been

<sup>38</sup> Aug. 25, 1916, 64-1, *Record*, p. 13192.

<sup>39</sup> June 1, 2, 3 and 4, 1914, 63-2, *Journal*, pp. 311, 313, 315-16, *Record*, pp. 9505-06, 9619-20, 9712, 9777.

<sup>40</sup> Mar. 17, 1913, 63—Special Session, *Record*, p. 27.

<sup>41</sup> Mar. 17, 1925, 69—Special Session, *Record*, p. 310; see Feb. 6, 1973, 93-1, *Record*, p. 3548.

<sup>42</sup> Mar. 27, 1942, 77-2, *Record*, p. 3063.

<sup>43</sup> Dec. 7, 1927, 70-1, *Record*, pp. 158-59; Dec. 8, 1927, 70-1, *Record*, p. 240.

asked, cannot be withdrawn by the mover under the rule; a motion at such time to postpone indefinitely the resolution could be entertained only by unanimous consent (since the resolution was not before the Senate).<sup>44</sup>

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.<sup>45</sup>

In 1951, a resolution was modified by the mover after an agreement by the Senate to a unanimous consent request for a vote on that Senate resolution and all amendments or motions thereto.<sup>46</sup>

In 1925, a Senate resolution which was not before the Senate for consideration was modified by its author by unanimous consent,<sup>47</sup> and in 1941 one before a committee was modified by unanimous consent.<sup>48</sup>

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<sup>44</sup> See May 6, 1924, 68-1, *Record*, p. 7935.

<sup>45</sup> May 26, 1884, 48-1, *Record*, p. 4500.

<sup>46</sup> Jan. 16 and 22, 1951, 82-1, *Record*, pp. 318-19, 477.

<sup>47</sup> Jan. 10, 1925, 68-2, *Journal*, p. 76, *Record*, p. 1590.

<sup>48</sup> Nov. 19, 1941, 77-1, *Record*, pp. 8999-9000.