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ing him to order if he departs from it. And the question of order being decided, he is still to be heard through. A call for adjournment, or for the order of the day, or for the question, by gentlemen from their seats, is not a motion. No motion can be made without rising and addressing the Chair. Such calls are themselves breaches of order, which, though the Member who has risen may respect, as an expression of impatience of the House against further debate, yet, if he chooses, he has a right to go on.

§ 394. Members required to rise to make motions, call for the order of business, etc.

The practice of the House has modified the principle that the Member who rises first is to be recognized (clause 2 of rule XVII); but in other respects the principles of this paragraph of the law of Parliament are in force.

SEC. XXI—RESOLUTIONS

When the House commands, it is by an "order." But fact, principles, and their own opinions and purposes, are expressed in the form of resolutions.

§ 395. Orders and resolutions of the House.

A resolution for an allowance of money to the clerks being moved, it was objected to as not in order, and so ruled by the Chair; but on appeal to the Senate (*i.e.,* a call for their sense by the President, on account of doubt in his mind, according to [clause 5 of rule XXII]) the decision was overruled. *Jour., Senate, June 1, 1796.* I presume the doubt was, whether an allowance of money could be made otherwise than by bill.

Mr. Jefferson's citation in section XXI has been conformed to current Rules of the House. In the modern practice concurrent resolutions have been developed as a means of expressing fact, principles, opinions, and purposes of the two Houses (II, 1566, 1567). Joint committees are authorized by resolutions of this form (III, 1998, 1999), and they are used in authorizing correction of bills agreed to by both Houses (VII, 1042), amendment of enrolled bills (VII, 1041), amendment of conference reports (VIII, 3308), requests for return of bills sent to the President (VII, 1090, 1091), authorizing the printing of certain enrolled bills by hand in the remaining days of a session (H. Con. Res. 436, Dec. 20, 1982, p. 32875), providing for joint session to receive message from the President (VIII, 3335, 3336), authorizing the printing of congressional documents (H. Con. Res. 66, July 1, 1969, p. 17948); paying a birthday tribute to former President Truman (H. Con. Res. 216, Apr. 24, 1969, p. 10213); calling for the humane treatment of prisoners of war in Vietnam (H. Con. Res. 454, Dec. 15, 1969, p. 39037), and fixing time for final adjournment (VIII, 3365). The Congressional Budget Act of 1974 (P.L. 93–344) provides for the adoption by both Houses of concurrent resolutions on the budget which become binding on both Houses with respect to congressional budget procedures (see § 1127, *infra*). A concurrent resolution is binding on neither House until agreed to by both (IV, 3379), and, since not legislative in nature, is not sent to the President for approval (IV, 3483). A concurrent resolution is not a bill or joint resolution within the meaning of clause 5 of rule XXI (requiring a three-fifths vote for approval of such a measure if carrying an increase in a rate of tax on income) (Speaker Gingrich, May 18, 1995, p. 13499). In the 106th Congress the Senate neglected to adopt a House concurrent resolution vacating signatures of the Presiding Officers on an enrolled bill and laying that bill on the table as obsolete (H. Con. Res. 234, Nov. 18, 1999, p. ——). The Congress subsequently enacted section 1401 of the Miscellaneous Appropriations Act of 2001, which adopted that concurrent resolution (as enacted by P.L. 106–554).

§ 396. Concurrent resolutions of the two Houses.

Another development of the modern practice is the joint resolution, which is a bill so far as the processes of the Congress in relation to it are concerned (IV, 3375; VII, 1036). With the exception of joint resolutions proposing amendments to the Constitution (V, 7029), all these resolutions are sent to the President for approval and have the full force of law. They are used for what may be called the incidental, unusual, or inferior purposes of legislating (IV, 3372), as extending the national thanks to individuals (IV, 3370), the invitation to Lafayette to visit America (V, 7082, footnote), the welcome to Kossuth (V, 7083), notice to a foreign government of the abrogation of a treaty (V, 6270), declaration of intervention in Cuba (V, 6321), correction of an error in an existing act of legislation (IV, 3519; VII, 1092), enlargement of scope of inquiries provided by law (VII, 1040), election of managers for National Soldiers' Homes (V, 7336), special appropriations for minor

§ 397. Joint resolutions.

and incidental purposes (V, 7319), continuing appropriations (H.J. Res. 790, P.L. 91–33, p. 17015); establishing the date for convening of Congress (H.J. Res. 1041, P.L. 91–182, p. 40982); extending the submission date under law for transmittal of the Budget and Economic Report to Congress by the President (H.J. Res. 635, P.L. 97–469, p. 32936); and extending the termination date for a law (H.J. Res. 864, P.L. 91–59, p. 22546). At one time they were used for purposes of general legislation; but the two Houses finally concluded that a bill was the proper instrumentality for this purpose (IV, 3370–3373). A joint resolution has been changed to a bill by amendment (IV, 3374), but in the later practice it has become impracticable to do so.

Where a choice between a concurrent resolution and a joint resolution is not dictated by law, the House by its votes on consideration of a measure decides which is the appropriate vehicle (and a point of order does not lie that a concurrent rather than a joint resolution would be more appropriate to express the sense of the Congress on an issue) (Mar. 16, 1983, p. 5669).

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SEC. XXIII—BILLS, LEAVE TO BRING IN

§ 398. Obsolete provisions as to introduction of bills.

When a Member desires to bring in a bill on any subject, he states to the House in general terms the causes for doing it, and concludes by moving for leave to bring in a bill, entitled, &c. Leave being given, on the question, a committee is appointed to prepare and bring in the bill. The mover and seconder are always appointed of this committee, and one or more in addition. *Hakew., 132; Scob., 40.* It is to be presented fairly written, without any erasure or interlineation, or the Speaker may refuse it. *Scob., 41; 1 Grey, 82, 84.*

This provision is obsolete, rule XII providing an entirely different method of introducing bills through the hopper. The introduction of bills by leave was gradually dropped by the practice of the House, and after 1850 the present free system of permitting Members to introduce at will bills for printing and reference began to develop (IV, 3365).