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Bills, Resolutions, Nominations, and Treaties: Characteristics and Examples of Use

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SUMMARY

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Bills, Resolutions, Nominations, and Treaties: Characteristics and Examples of Use

In each chamber of Congress, four forms of legislative measures may be introduced (or, in the case of resolutions, submitted) and acted on: bills, joint resolutions, concurrent resolutions, and resolutions of one house ("simple resolutions"). In addition, under the U.S. Constitution, the Senate acts on two forms of executive business: nominations and treaties. This report provides a comparison of the formal characteristics and uses of these six different types of business.

When Congress seeks to pass a law, it uses a bill or joint resolution, which must be passed by both houses in identical form and then presented to the President for the executive's approval or disapproval. To regulate its own internal affairs, or for other purposes where authority of law is not necessary, Congress uses a concurrent resolution (requiring adoption by both houses) or a simple resolution (requiring action only in the house of origin).

Bills are commonly used for lawmaking purposes such as authorizing programs, appropriating funds, raising or lowering revenues, and other major policy enactments. Joint resolutions are used chiefly for secondary, symbolic, or declaratory legislation but also for such matters as continuing appropriations, declarations of war, and proposing constitutional amendments. Concurrent resolutions are used for matters affecting both chambers, such as recesses, adjournments, and the congressional budget resolution. Simple resolutions are used for adopting chamber rules, committee assignments, discipline of Members, expressions of sentiment, and other housekeeping purposes in each chamber.

The Senate also considers nominations and treaties. This "executive business" is so called because it is transmitted by the President, who must obtain the advice and consent of the Senate before the nomination or treaty becomes effective.

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Introduction

Congress uses a bill or joint resolution to propose a law. A joint resolution is also used to propose an amendment to the U.S. Constitution. These legislative measures must be passed by both houses in identical form. Bills and joint resolutions not proposing a constitutional amendment are then presented to the President for approval or disapproval.

To regulate its own internal affairs, or for other purposes where authority of law is not necessary, Congress uses a concurrent resolution (requiring adoption by both houses) or a simple resolution (requiring action only in the house of origin).

The Senate also considers nominations and treaties. This "executive business" is so called because it is transmitted by the President, who must obtain the advice and consent of the Senate before the nomination or treaty becomes effective.

Characteristics of Congressional Business

The six forms of congressional business (i.e., bills, joint resolutions, concurrent resolutions, simple resolutions, nominations, and treaties) may be compared in terms of the following characteristics: designation, origin, deadline for action, requirements for approval, and product or use. The characteristics of each form of business are displayed in **Table 1**. They are described below.

- **Designation:** series in which business of each form is numbered. Legislative designation is noted by H.R. and S. (bills), H.J.Res. and S.J.Res. (joint resolutions), H.Con.Res. and S.Con.Res. (concurrent resolutions), and H.Res. and S.Res. (simple resolutions). Nominations are designated by PN number and treaties are designated by Treaty Doc. number.
- **Origin:** who may formally introduce, submit, or transmit to Congress business of each form.
- **Deadline for action:** point at which business of each form ceases to be available for action (if not earlier disposed of).
- **Requirements for approval:** institutions that must act for business of each form to be enacted, finally agreed to, or advised and consented to.
- **Product or use:** result of successful action on business of each form.

Legislative Measures

Congress uses each of the four forms of legislative measures (i.e., bills, joint resolutions, concurrent resolutions, and simple resolutions) for a variety of purposes. The following lists identify the most prevalent uses of each. Citations to relevant CRS reports are provided.

Bills (H.R. or S.)

Bills are the most common form of legislative measure considered by Congress.[1] Bills originating in the House are designated by H.R. followed by the bill number. Those originating in the Senate

[1] Joint resolutions may also be used to achieve some of the purposes listed in this section. See footnote 9.

begin with an S. designation. In order to become law, bills must be passed in identical form by both houses before presentation to the President for signature.[2] Bills may be used for a variety of purposes, such as

- Authorization or reauthorization of federal policies, programs, and activities;[3]
- Amendment of existing law;
- Establishment of federal departments and agencies or alteration of their structure;
- Revenue (tax) legislation (originates in House only);[4]
- Regular annual general appropriations;[5]
- Supplemental appropriations;[6]
- Reconciliation bills;[7] and
- Private bills.[8]

Joint Resolutions (S.J.Res. or H.J.Res.)

Like bills, joint resolutions are lawmaking vehicles and must be agreed to by both houses in identical form. Excepting those measures that propose amendments to the U.S. Constitution, they are presented to the President for signature. However, they may differ from bills in their purpose.[9] The uses of joint resolutions include

- Proposed constitutional amendments;[10]
- Declaration of war or authorization of military force;[11]
- Continuing resolutions;[12]

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[2] For an explanation of what happens to bills and joint resolutions once they have been presented to the President, see CRS Infographic IG10007, *Presentation of Legislation and the Veto Process*, by Meghan M. Stuessy.

[3] See CRS Report R46497, *Authorizations and the Appropriations Process*, by James V. Saturno.

[4] See CRS Report R46558, *The Origination Clause of the U.S. Constitution: Interpretation and Enforcement*, by James V. Saturno.

[5] See CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, coordinated by James V. Saturno.

[6] See CRS Report R42388, *The Congressional Appropriations Process: An Introduction*, coordinated by James V. Saturno.

[7] Reconciliation bills alter spending authority pursuant to instructions in a congressional budget resolution. See CRS Report R40480, *Budget Reconciliation Measures Enacted Into Law: 1980-2017*, by Megan S. Lynch.

[8] Private bills provide specified benefits to named individuals or entities. See CRS Report R45287, *Private Bills: Procedure in the House*, by Christopher M. Davis.

[9] While bills are most often used for general legislation, joint resolutions are used, according to the *House Manual*, "for what may be called the incidental, unusual, or inferior purposes of legislating." However, according to former Senate Parliamentarian Floyd Riddick, "In modern usage, the contents of bills and joint resolutions often become indistinguishable." U.S. Congress, House, *Constitution, Jefferson's Manual and Rules of the House of Representatives of the United States One Hundred Sixteenth Congress* (hereinafter *House Manual*), prepared by Thomas J. Wickham, Parliamentarian, 115th Cong., 2nd sess., 2019, H.Doc. 115-177 (Washington, DC: GPO, 2019), §397; Floyd M. Riddick and Alan S. Frumin, *Riddick's Senate Procedure: Precedents and Practices* (hereinafter *Riddick's Senate Procedure*), S.Doc. 101-28, 101st Cong., 2nd sess. (Washington, DC: GPO, 1992), p. 225.

[10] Congressional passage of constitutional amendments requires a two-thirds vote in each house.

[11] See CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, by Jennifer K. Elsea and Matthew C. Weed.

[12] Continuing resolutions, also known as CRs, extend appropriations for specified purposes until regular appropriations

- Transfers of appropriations;
- Adjustments of debt limit;[13]
- Declarations of commitment to treaty or abrogation (repeal) of treaty;
- Alteration of date for convening of Congress;[14]
- Resolutions of disapproval or approval of specified executive;[15]
- Extensions of expiration or reporting dates under existing law;
- Congratulations, condolences, condemning actions, welcomes, thanks, etc.;[16] and
- Recognition of and support for commemorative periods.[17]

Concurrent Resolutions (S.Con.Res. or H.Con.Res.)

Congress uses concurrent resolutions to regulate the joint affairs of the House and Senate. In order to go into effect, concurrent resolutions must be agreed to by both the House and Senate. They are not lawmaking vehicles and are not submitted to the President for approval. Concurrent resolutions are designated by an S.Con.Res. or H.Con.Res., depending on the chamber of origin. Concurrent resolutions may be used for purposes that include

- Congressional budget resolutions,[18]
- Adjournment s*ine die*,[19]
- Recess of either or both houses of more than three days,[20]
- Providing for a joint session of Congress,

are enacted. See CRS Report R46595, *Continuing Resolutions: Overview of Components and Practices*, coordinated by Kevin P. McNellis.

[13] See CRS In Focus IF10292, *The Debt Limit*, by Grant A. Driessen.

[14] See CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by Richard S. Beth and Valerie Heitshusen.

[15] Resolutions of disapproval or approval are pursuant to a statute making a contingent delegation of authority (e.g., the Congressional Review Act, the National Emergencies Act, and the War Powers Resolution). See CRS Report R43992, *The Congressional Review Act (CRA): Frequently Asked Questions*, by Maeve P. Carey and Christopher M. Davis.

[16] This may also be done by simple or concurrent resolution. See CRS Report R43539, *Commemorations in Congress: Options for Honoring Individuals, Groups, and Events*, coordinated by Jacob R. Straus.

[17] House Rule XII, clause 5, prohibits measures that establish a commemorative, which is defined as "a remembrance, celebration, or recognition for any purpose through the designation of a specified period of time" (*House Manual*, §823). See CRS Report R44431, *Commemorative Days, Weeks, and Months: Background and Current Practice*, by Jacob R. Straus and Jared C. Nagel.

[18] The budget resolution "provides the framework for subsequent legislative action on the annual appropriations bills, revenue measures, debt-limit legislation, reconciliation legislation (if required), and any other budgetary legislation." See CRS Report 98-512, *Formulation and Content of the Budget Resolution*, by Bill Heniff Jr.; and CRS Report R46240, *Introduction to the Federal Budget Process*, by James V. Saturno.

[19] *Sine die* is the final adjournment of a congressional session. The Latin phrase is translated as "without day" (or without a date assigned for resumption). See CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by Richard S. Beth and Valerie Heitshusen.

[20] Under the U.S. Constitution, the House and Senate are restricted in their ability to adjourn without the approval of the other chamber. Article I, Section 5, clause 4, states: "Neither House, during the session of Congress, shall, without the Consent of the other, adjourn for more than three days." The House and Senate agree to a concurrent resolution when one or both houses expect to adjourn or stand in recess for more than three calendar days. (In order to fulfill the constitutional requirement, the House and Senate may also conduct *pro forma* sessions at least every third day.) See CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by Richard S. Beth and Valerie Heitshusen.

- Creation of a joint committee,
- Correction of conference reports or enrolled bills,[21]
- Request for return of measures presented to the President,[22] and
- "Sense of Congress" resolutions.[23]

Simple Resolutions (H.Res. or S.Res.)[24]

Simple resolutions concern the internal affairs of one chamber. They are not used to make law and accordingly do not require the approval of the other house of Congress. Simple resolutions are used for adopting chamber rules, committee assignments, discipline of Members, expressions of sentiment, and other housekeeping purposes in each chamber. Uses include

- Adoption or amendment of House or Senate rules;[25]
- Special rules (for considering a measure) or other "order of business resolution" (House);[26]
- Establishment of a standing order (primarily Senate);[27]
- Privileges of the House resolution (House);[28]
- "Blue slip resolutions" (House);[29]
- Disposition of contest to a Member's election;[30]
- Expulsion of a Member;[31]

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[21] See CRS Report RL34480, *Enrollment of Legislation: Relevant Congressional Procedures*, by Valerie Heitshusen.

[22] See CRS Report RL34480, *Enrollment of Legislation: Relevant Congressional Procedures*, by Valerie Heitshusen.

[23] "Sense of Congress" concurrent resolutions are nonbinding. They may express "fact, principles, opinions, and purposes of the two houses" (*House Manual*, §396). "Sense of Congress" provisions may also appear in lawmaking measures. See CRS Report 98-825, *"Sense of" Resolutions and Provisions*, by Christopher M. Davis.

[24] Simple resolutions are designated by H.Res. or S.Res, followed by a number, except Senate resolutions of advice and consent to ratification of treaties. These Senate resolutions are not identified by S.Res. and are not numbered.

[25] See CRS Report R45787, *House Rules Changes Affecting Floor Proceedings in the 116th Congress (2019-2020)*, by Jane A. Hudiburg; CRS Report R45731, *House Rules Changes Affecting Committee Procedure in the 116th Congress (2019-2020)*, by Jane A. Hudiburg; CRS Report R45552, *Changes to House Rules Affecting the Congressional Budget Process Included in H.Res. 6 (116th Congress)*, by James V. Saturno and Megan S. Lynch; and CRS Report R42929, *Procedures for Considering Changes in Senate Rules*, by Richard S. Beth.

[26] See CRS Report 98-354, *How Special Rules Regulate Calling up Measures for Consideration in the House*, by Richard S. Beth.

[27] Standing orders have the same force as Senate Rules. Some standing orders are in effect only for the duration of a Congress and are usually established by unanimous consent. Standing orders that continue in effect unless abolished are usually established by the adoption of simple resolutions. See CRS Report R42929, *Procedures for Considering Changes in Senate Rules*, by Richard S. Beth.

[28] Privileges of the House resolutions are used to secure the chamber's rights, safety, dignity, or integrity of proceedings. Such resolutions are considered under procedures delineated in House Rule IX (*House Manual*, §§698-713). See CRS Report R44005, *Questions of the Privileges of the House: An Analysis*, by Megan S. Lynch.

[29] The House uses "blue slip resolutions" to return Senate-originated tax legislation in violation of Article 1, Section 7, clause 1, of the U.S. Constitution: "All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills." See CRS Report RS21236, *Blue-Slipping: Enforcing the Origination Clause in the House of Representatives*, by James V. Saturno.

[30] See CRS Report RL33780, *Procedures for Contested Election Cases in the House of Representatives*, by L. Paige Whitaker.

[31] Requires a two-thirds vote of the chamber as provided by Article I, Section 5, clause 2, of the U.S. Constitution. See

- Censure or other discipline of a Member;[32]
- Citation for contempt of Congress;[33]
- Authorization of response to subpoena by Members, chamber officers, or employees;
- Resolutions of ratification (Senate);[34]
- Election of committee members or chamber officers;[35]
- Committee funding;[36]
- Authorization of expenditures from the contingent fund of the Senate or from the applicable accounts of the House of Representatives;
- Creation of a special or select committee;[37]
- Resolutions of inquiry (primarily House);[38]
- Providing notifications to the other house or the President;
- Requests for the other house to return a measure for correction;[39]
- Discharge of committee from a measure, nomination, or treaty (Senate);[40]
- Instructions to conferees already appointed (Senate);[41]
- Establishment of, requests for establishment of, or recognition of and support for, commemorative periods (primarily Senate);[42] and
- "Sense of the Senate" or "sense of the House."[43]

CRS Report R45078, *Expulsion of Members of Congress: Legal Authority and Historical Practice*, by Todd Garvey.

[32] See CRS Report RL30764, *Enforcement of Congressional Rules of Conduct: A Historical Overview*, by Jacob R. Straus.

[33] See CRS Report R45653, *Congressional Subpoenas: Enforcing Executive Branch Compliance*, by Todd Garvey.

[34] Provides for the Senate's advice and consent to the ratification of treaties. Resolutions of ratification are simple resolutions, but they are not designated by S.Res. followed by a number. The Senate's actions concerning the un-numbered resolution of advice and consent are listed with the Treaty Doc. number in Congress.gov. See CRS Report 98-384, *Senate Consideration of Treaties*, by Valerie Heitshusen.

[35] See CRS Report RL33220, *Support Offices in the House of Representatives: Roles and Authorities*, by Ida A. Brudnick.

[36] See CRS Report R42778, *House Committee Funding: Description of Process and Analysis of Disbursements*, by William T. Egar; and CRS Report R40424, *Senate Committee Funding Requests and Authorizations, 106th-116th Congresses*, by William T. Egar.

[37] Special and select committees are usually advisory or investigative in nature and may operate during a specified time period (e.g., the duration of a session or Congress). They may be established via a provision in a resolution adopting chamber rules (primarily House) or in a stand-alone House or Senate resolution. See CRS Report 98-241, *Committee Types and Roles*, by Valerie Heitshusen.

[38] Resolutions of inquiry are requests for factual information from the executive branch. See CRS Report R40879, *Resolutions of Inquiry: An Analysis of Their Use in the House, 1947-2017*, by Christopher M. Davis.

[39] See CRS Report 98-826, *Engrossment, Enrollment, and Presentation of Legislation*, by R. Eric Petersen.

[40] See "Discharge of Committees," *Riddick's Senate Procedure*, pp. 802-806.

[41] See CRS Report RS20209, *Instructing Senate Conferees*, by Richard S. Beth.

[42] House Rule XII, clause 5, prohibits the introduction and consideration of measures that establish a commemorative, which the rule defines as "a remembrance, celebration, or recognition for any purpose through the designation of a specified period of time" (*House Manual*, §823). See CRS Report R44431, *Commemorative Days, Weeks, and Months: Background and Current Practice*, by Jacob R. Straus and Jared C. Nagel.

[43] "Sense of the House" and "Sense of the Senate" provisions are nonbinding and may also appear in lawmaking measures. They express fact, principles, opinions, or purposes of one house (*House Manual*, §395). See CRS Report

The Senate's Executive Business

Article II, Section 2, of the U.S. Constitution grants the President the power to make treaties and appoint "Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States" whose appointments are established by law by and with "the Advice and Consent of the Senate." Treaty approval requires the consent of "two thirds of the Senate." Nominations are approved by "a majority of Senators present and voting, a quorum being present."[44] See the citations for relevant CRS reports.

Nominations (PN)

Nominations are designated by PN followed by a number. *PN* refers to presidential nominating message. The nominating message may contain more than one nomination. Conversely, a renominated nominee, or one nominated for more than one position, will be associated with more than one PN number. Thus, the designation PN100 refers to the 100th presidential nominating message received by the Senate during a Congress, not the 100th nomination submitted by the President.

Nominations that are still pending at the end of a congressional session, or when the Senate recesses for more than 30 days, are returned to the President unless the Senate, by unanimous consent, orders them not to be returned. Senate confirmation, however, must occur before the end of a Congress.[45]

Treaties (Treaty Doc.)

Treaties are designated by Treaty Doc. (or Treaty Document) followed by a compound number.[46] The number indicates the Congress and sequence in which the treaty and any accompanying materials was received by the Senate. For instance, Treaty Doc. 115-3 was the third treaty document received in the 115th Congress.

The Senate provides "advice and consent" to treaties by agreeing to a "resolution of advice and consent to ratification." This resolution is a simple resolution, but it is not identified by S.Res. or a number. Instead, the Senate's actions regarding the treaty and the advice and consent resolution are noted under the Treaty Doc. listing in Congress.gov.

Treaties do not have a deadline for Senate approval. Unless they are withdrawn by the President or acted on by the Senate, they remain pending for an indefinite number of Congresses.[47]

98-825, *"Sense of" Resolutions and Provisions*, by Christopher M. Davis.

[44] For more information regarding executive business procedure, see CRS Report 98-384, *Senate Consideration of Treaties*, by Valerie Heitshusen; and CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki.

[45] See CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki.

[46] Before the 97th Congress, the form used was "Ex." followed by a sequence letter and the number of the Congress and session (e.g., Ex. A, 96-1).

[47] See CRS Report 98-384, *Senate Consideration of Treaties*, by Valerie Heitshusen.

Forms of Business Before Congress

The following table compares all six of the forms of business on which the House or Senate acts in terms of the following characteristics: designation, origin, deadline for action, requirements for approval, and product or use.

Table 1. Legislative and Executive Forms of Business

Form of Business	Designation[a]	Origin	Deadline for Action[b]	Requirements for Approval	Product or Use
			Legislative		
Bill	S. H.R.	Introduced by Member of chamber	Final adjournment of a Congress	Both chambers and President	Law (statute)
Joint Resolution (except to amend Constitution)	S.J.Res. H.J.Res.	Submitted by Member of chamber	Final adjournment of a Congress	Both chambers and President	Law (statute)
Joint Resolution (to amend Constitution)	S.J.Res. H.J.Res.	Submitted by Member of chamber	Final adjournment of a Congress[c]	Both chambers (by two-thirds' vote)[c]	Constitutional amendment
Concurrent Resolution	S.Con.Res. H.Con.Res.	Submitted by Member of chamber	Final adjournment of a Congress	Both chambers	Regulation of Congress as a whole
Resolution ("simple resolution")	S.Res. H.Res.	Submitted by Member of chamber	Final adjournment of a Congress	Chamber of origin	Regulation of chamber of origin
			Executive		
Nomination (Senate only)	PN[d]	Transmitted by President	Adjournment of a session of the Senate, or a Senate recess of over 30 days[e]	Senate	Confirmation (advice and consent to appointment)
Treaty (Senate only)	Treaty Doc. [a]	Transmitted by President	Indefinite	Senate (by two-thirds' vote)	Advice and consent to ratification

Source: Congressional Research Service.

Notes:

a. Designations beginning with "S." are used for Senate measures, those beginning with "H." for House measures. For each form of business, within each Congress, the designation is followed by a sequence number (e.g., "H.R. 1" or "PN100").

b. Deadline unless the business is earlier disposed of or (for nominations and treaties) unless withdrawn by the President.

c. After action by Congress, the amendment must also be ratified by three-fourths of the states, often within a time period specified in the joint resolution.

d. A PN number designates a presidential nominating message, which may contain more than one nomination.

e. Deadline unless, when the Senate recesses or adjourns its session, it orders that nominations, or specified ones, not be returned to the President. The maximum deadline is the final adjournment of a Congress.

f. This designation is followed by the number of the Congress and a sequence number (e.g., "Treaty Doc. 110-1"). Before the 97th Congress, the form used was "Ex." followed by a sequence letter and the number of the Congress and session (e.g., "Ex. A, 96-1").

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Acknowledgments

Richard S. Beth, Specialist on Congress and the Legislative Process (retired), prepared **Table 1** and is the author of two CRS reports that provided the basis for this report: CRS Report 98-706, *Bills and Resolutions: Examples of How Each Kind Is Used*; and CRS Report 98-728, *Bills, Resolutions, Nominations, and Treaties: Characteristics, Requirements, and Uses*.

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