

Notes: Joint Resolution.

February 13, 1974

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MEMORANDUM

TO: Noel Kramer

FROM: Gilbert Rothenberg

SUBJECT: Joint Resolution v. Ordinary Bill [further research]

1. From a brief survey of the set of public laws passed by the 92nd Congress (1st Session), the following statistics were gathered:

Percentage of joint resolutions with a legislative history: 14%

Percentage of ordinary acts with a legislative history: 54%

Number of joint resolutions: 36

Number of bills: 188

2. Five of the thirty-six joint resolutions had a legislative history, and several of those five conducted hearings. Therefore, there does not seem to be any practice or procedure precluding a joint resolution from having either a legislative history or hearings or both.
3. The following excerpts from various books shed additional light upon the subject, especially (b) and (c) which state that the legislative procedure of bills and joint resolutions is identical.

- (a) Government Publications and Their Use (Schmeckebier & Eastin) (1961)

Legally there is no essential distinction between an act and a public or private [joint] resolution, as both have the force of law. (p. 193)

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"They [joint resolutions] are used for what may be called the incidental, unusual, or inferior purposes of legislating" (House Manual, 73 Cong., 2d Sess., H. Doc. 413, Sec. 397.) However, some do not appear to fall within these categories, such as the public resolution of June 5, 1933 (48 Stat. 112), which provided that obligations payable in gold could be paid in any kind of legal currency and Public Resolution 11, approved April 8, 1935 (49 Stat. 115), appropriating [almost 5 billion dollars] for relief purposes cited as the "Emergency Relief Appropriation Act of 1935." (p. 193 n. 6)

(b) United States Government Publications (Boyd) (1950)

[Joint Resolutions] have the same process in Congress as have bills (except those proposing amendments to the Constitution which are not sent to the President for approval), and have the full force of law. (p. 53)

(c) Reader in Government Documents (O'Hara) (1973)

The procedure to the enactment on both [joint resolutions and bills] are identical [with Constitutional Amendment exception]. (p. 44)

4. The attached Xerox copies from Sutherland, Statutes and Statutory Construction (Sands, ed. 1972) do not really offer any new information, but they may be of some interest.