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PRESIDING OFFICER

Under the Constitution "The Vice President of the United States shall be President of the Senate . . . " The Constitution further states that the Senate "shall chuse . . . a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States," and this authority is also contained in the Standing Rules of the Senate. Under the Standing Rules of the Senate, the President pro tempore may designate (in writing or in person) an Acting President pro tempore to preside until an adjournment, and this Senator likewise is authorized to name another Senator to perform the duties of the Chair. In practice, this subsequent delegation of the Chair's authority occurs informally from one Senator to the next, as one Presiding Officer gives way to another on a regular basis throughout the day. Thus in the course of a day's proceedings, several Senators are called to the Chair to preside over the Senate in the absence of the regular Presiding Officers. When there is no Vice President, or in his absence, and if there is no duly elected President pro tempore, and no duly authorized Acting President pro tempore, under Rule I of the Standing Rules the Secretary of the Senate, or in his absence the Assistant Secretary of the Senate, shall preside until a President pro tempore is elected.

The Presiding Officer is required to maintain order on the Senate floor and in the galleries, and should do so on its own initiative. The Presiding Officer rules on points of order, except those raised under the Constitution or those which it chooses to submit to the Senate. The Presiding Officer has authority to recognize Senators in debate, and its discretion as to which Senator sought recognition first is not subject to appeal. The Presiding Officer has no authority to interpret the substantive effect of bills or amendments unless this is necessary to resolve a procedural issue, and may not participate in debate. The Presiding Officer does, however, retain his or her right as a Senator to object to unanimous consent requests.

The Presiding Officer takes the initiative to rule out of order certain amendments, such as those which are drafted incorrectly, or which amend language already agreed to, or which are in the third degree, and amendments offered while other amendments are pending. In addition, once cloture has been invoked the Chair takes the initiative to rule out of order amendments or motions or quorum calls which in its opinion are dilatory. The Chair can count a quorum while the Senate is operating under cloture.

Adjournment Declared by:

The Presiding Officer, under authority of an order of the Senate, may declare an adjournment or recess at the conclusion of the day's business.[1]

Appointive Power of:

See "Appointive Power of the Vice President," p. 1390; "Appointment of Conferees," pp. 454–459; "Appointments Made by," p. 1020.

Attendance of Senators, Role in:

If an order to request or compel the attendance of absent Senators is agreed to, the Presiding Officer upon appearance of a quorum has no authority to suspend or modify such order on his own motion, but the question is one for the determination of the Senate itself. *See also* "Arrests of Senators, Order for Determined Without Debate," p. 727; "Attendance of Senators," pp. 214–224.

Consistency of Amendments, Determined by Senate:

See "Consistency of Contents of Amendments," p. 52.

Constitutionality of Amendments, Determined by Senate:

See "Constitutionality of Amendments," p. 52; "Revenue," pp. 1214–1216.

Constitutional Questions:

The Vice President has no authority to decide constitutional questions. He has no rulemaking power over the Senate. The Vice President must apply the rules of the Senate as they are.[2]

Debate by:

See "Chair Does Not Participate in," p. 730.

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[1] Apr. 2, 1953, 83-1, *Record*, p. 2716; Apr. 16, 1953, 83-1, *Record*, p. 3227.
[2] *See* the proceedings of the Senate for Jan. 3, 1969, through Jan. 29, 1969, 91-1.

Decisions by:

See "Appeals," pp. 145–149.

Decorum Maintained by:

See also "Debate," pp. 730, 716–797; "Decorum," pp. 798–799; "Galleries," pp. 850–853.

Under the rules and precedents, the Presiding Officer is required to keep order and decorum during a roll call vote.[3]

The Presiding Officer is required to maintain decorum in the Senate, and when a Senator addresses the Chair the undivided attention of the Presiding Officer is required.[4]

Disorderly Language by Senators:

See "Disorderly Language, Use of in Debate, and Restrictions on," pp. 738–742.

Employees, Floor Privilege:

See "Decorum," pp. 798–799.

Galleries:

See "Galleries," pp. 850–853.

Initiative by Presiding Officer:

Although the Presiding Officer usually waits for a point of order to be made from the floor before enforcing the Senate's rules and precedents, there are various situations where the Chair should take the initiative to maintain appropriate procedure.

The Presiding Officer has taken the initiative to enforce the terms of unanimous consent agreements that authorized only certain Senators to offer amendments,[5] or that specified that only amendments on a particular subject matter could be offered.[6] The Chair has also taken the initiative to enforce a unanimous consent agreement that specified that only reservations could be offered to a

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[3] May 21, 1971, 92–1, *Record*, pp. 16442–44.
[4] Feb. 25, 1986, 99–2, *Record*, p. 2692.
[5] Oct. 18, 1985, 99–1, *Record*, p. 28048; June 5, 1985, 99–1, *Record*, p. 14144.
[6] July 26, 1983, 98–1, *Record*, p. 20774.

resolution of ratification for a treaty when a Senator attempted to offer an understanding.[7]

It is the duty of the Chair to hold out of order an amendment that would amend language already agreed to,[8] even when such amendment was specified in a unanimous consent agreement.[9] The Chair should hold out of order an amendment of a Senator to his or her own amendment unless that Senator has lost the right to modify it.[10] The Chair should prevent a Senator from offering an amendment while another amendment is pending (unless the latter amendment takes precedence),[11] as well as an amendment that would amend both the bill and pending amendment.[12] The Chair should prevent a Senator from offering a floor amendment until all committee amendments have been disposed of (unless the floor amendment is to the pending committee amendment or language affected thereby),[13] and should bar the consideration of a floor amendment to a committee amendment when another committee amendment is pending.[14]

The Presiding Officer takes the initiative to rule out of order amendments that are improperly drafted including those which purport to amend an amendment when none is pending,[15] or those which contain preambles.[16] The Presiding Officer should also take the initiative to rule out of order amendments to the preamble to a resolution until after the adoption of the resolution.[17]

If a motion to table an amendment has been made, an amendment to the amendment is not then in order, and the Chair will enforce this without the necessity of a point of order.[18] The Chair on its own initiative will hold out of order a third degree amendment.[19]

If the Senate is operating under cloture, the Presiding Officer is authorized to initiate certain actions. The Chair must take the initiative to rule out of order amendments

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[7] June 11, 1981, 97-1, *Record*, p. 12099.
[8] Dec. 11, 1980, 96-2, *Record*, p. 33552; and Sept. 16, 1980, 96-2, *Record*, p. 25496.
[9] Dec. 17, 1982, 97-2, *Record*, p. 31470.
[10] July 25, 1984, 98-2, *Record*, p. 20797; May 22, 1984, 98-2, *Record*, p. 13181.
[11] Dec. 10, 1980, 96-2, *Record*, pp. 33294-98.
[12] Nov. 4, 1981, 97-1, *Record*, p. 26437; Nov. 3, 1981, 97-1, *Record*, p. 26340.
[13] Oct. 2, 1985, 99-1, *Record*, p. 25574.
[14] Oct. 2, 1984, 98-2, *Record*, p. 28343.
[15] Sept. 19, 1986, 99-2, *Record*, p. 24917.
[16] Nov. 13, 1985, 99-1, *Record*, p. 31735.
[17] May 6, 1986, 99-2, *Record*, p. 9610; Feb. 11, 1984, 98-2, *Record*, p. 2898.
[18] June 3, 1986, 99-2, *Record*, p. 12190.
[19] Oct. 2, 1984, 98-2, *Record*, p. 28382.

that are out of order on their face such as those that would amend a bill in more than one place,[20] or that would amend matter not at the specified place.[21] The Chair has ruled out of order on its own initiative amendments when it could determine that they were obviously nongermane to the matter on which cloture had been invoked.[22] The Chair has ruled certain amendments out of order before they were reported by the clerk.[23]

Interjects His Opinion on Matter:

The Chair inappropriately interjected his will on a motion to recess for one moment, though in the minority, stating, "The question is on agreeing to the motion. All those in favor will signify by saying yea; those opposed, say nay." The Chair then, in his capacity as the Senator from Wisconsin said, "Nay" and announced "The nays appear to have it." [24]

Interpretation of Legislation:

See also "Interpretation of Legislation," p. 881; "Interpretation of Bills," p. 235; "Interpretation of Amendments," p. 64.

The Chair is not authorized nor has authority to interpret legislation,[25] nor does the Presiding Officer have the authority to interpret a vote.[26]

The Chair does not interpret the substantive effect of an amendment.[27]

The Presiding Officer does not interpret the substantive effect of amendments and therefore does not attempt to explain the differences or similarities between first and second degree amendments.[28]

The Presiding Officer has no authority to explain the substance of an amendment, or to indicate the respective subject matters of the divisions of an amendment.[29]

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[20] Sept. 13, 1984, 98-2, *Record*, p. 25291.
[21] Aug. 21, 1980, 96-2, *Record*, p. 22482.
[22] Sept. 29, 1984, 98-2, *Record*, pp. 27826-34; Sept. 13, 1984, 98-2, *Record*, p. 25287; May 27, 1982, 97-2, *Record*, p. 12249, pp. 12273-74.
[23] Feb. 24, 1982, 97-2, *Record*, pp. 2342-47; Sept. 27, 1977, 95-1, *Record*, pp. 31242-43.
[24] May 5, 1978, 95-2, *Record*, pp. 12779-80.
[25] Apr. 2, 1987, 100-1, *Record*, p. S 4438; Dec. 20, 1982, 97-2, *Record*, p. 32647; Sept. 26, 1980, 96-2, *Record*, p. 27570; May 29, 1968, 90-2, *Record*, p. 15546; July 22, 1968, 90-2, *Record*, pp. 22578-79; July 8, 1969, 91-1, *Record*, p. 18564; Aug. 5, 1966, 89-2, *Record*, p. 18370; Oct. 13, 1972, 92-2, *Record*, pp. 35933-34.
[26] Nov. 21, 1980, 96-2, *Record*, pp. 30752-53.
[27] Sept. 22, 1983, 98-1, *Record*, p. 25321.
[28] Aug. 8, 1986, 99-2, *Record*, p. 20136.
[29] Dec. 9, 1985, 99-1, *Record*, p. 35327.

A point of order against the consideration of a treaty on the basis that the treaty document had not been signed by an individual authorized to commit the foreign state was debated and then laid upon the table by the Senate, the point of order having been submitted to the Senate by the Chair on the basis that it raised a question of legal interpretation which the Chair had no authority to decide.[30]

Messages, Presiding Officer Lays Before Senate:

See "Communications and Messages to the Senate," pp. 430–441; "Messages to Congress," pp. 1016–1017.

Objection to Dispensing With Reading of Amendment:

On June 28, 1978, the Presiding Officer in his capacity as a Senator objected to a request to dispense with further reading of an amendment.[31]

Objection to Unanimous Consent Request:

The Presiding Officer may, in his or her capacity as a Senator, object to a unanimous consent request.[32]

On July 17, 1978, the Chair in his capacity as a Senator while presiding objected to a unanimous consent agreement in the absence of the Majority Leader.[33]

Pairs, Presiding Officer No Control Over:

See "Pairs," pp. 968–970.

Presides or Designates Someone To Preside:

See "Appointment of Acting President Pro Tempore," pp. 1020–1021.

Puts Question:

See "Pending Question," p. 984.

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[30] May 18, 1988, 100–2, *Record*, pp. S 6677–82.
[31] June 28, 1978, 95–2, *Record*, p. 19255.
[32] May 19, 1982, 97–2, *Record*, pp. 10549–50.
[33] July 17, 1978, 95–2, *Record*, p. 21111.

Quorums:

A Senator when presiding over the Senate may suggest the absence of a quorum in his or her capacity as a Senator.[34] Likewise, Presiding Officers in their capacity as Senators may rescind quorum calls,[35] or may object to rescinding quorum calls.[36]

The Presiding Officer in his or her capacity as a Senator may suggest the absence of a quorum, and (no objection being heard) may specify that the time thereby consumed be equally divided while the Senate is operating under controlled time.[37]

On one occasion, the Presiding Officer in his capacity as a Senator suggested the absence of a quorum and specified that the time consumed be evenly divided (and taken from the pending measure) and subsequently rescinded the quorum call (no objection being heard) whereupon he put the Senate into recess for a specified time period with that time equally charged against the pending measure.[38]

On one occasion while the Senate was conducting a quorum call, the Presiding Officer rescinded the quorum call and put the Senate in recess subject to the call of the Chair.[39]

While the Senate was conducting a quorum call, the Presiding Officer rescinded the quorum call and put the Senate into recess pursuant to a previous order.[40]

Quorums and Presiding Officer:

See "Presiding Officer May Suggest," p. 1057; "Quorum," pp. 1038–1078.

Recess and Presiding Officer:

See above "Quorums and Presiding Officer," and "Recess," pp. 1080–1090.

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[34] Sept. 12, 1986, 99–2, *Record*, p. 23072.
[35] Mar. 13, 1984, 98–2, *Record*, p. 5264.
[36] May 6, 1986, 99–2, *Record*, p. 9598; Sept. 9, 1982, 97–2, *Record*, p. 23092.
[37] Sept. 28, 1983, 98–1, *Record*, p. 26023.
[38] Sept. 19, 1986, 99–2, *Record*, p. 24822.
[39] Aug. 1, 1986, 99–2, *Record*, p. 18767.
[40] Feb. 23, 1988, 100–2, *Record*, p. S 1107.

The Presiding Officer has put the Senate in recess for a specified time (to be charged equally against the pending measure),[41] or subject to the call of the Chair.[42]

While the Senate was conducting a quorum call, the Presiding Officer rescinded the quorum call and put the Senate into recess pursuant to a previous order.[43]

Recognition by:

See "Recognition," pp. 1091-1105.

References by:

See "References to Committees," pp. 1150-1169; "References and Motion To Refer, Debate of," pp. 771-772.

Secretary Calls Roll When Ordered by Chair:

It is the duty of the Secretary to call the roll when ordered by the Presiding Officer to do so.[44]

Signatures Rescinded:

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

Signs Enrolled Bills:

See "Signing of Enrolled Bills," pp. 830-831; "Signs Bills," p. 1023.

Suggest Absence of Quorum:

See "Presiding Officer May Suggest or Rescind," p. 1057.

Veto:

See "Vetoes," pp. 1381-1389.

Vice President:

See "Vice President," pp. 1390-1396.

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[41] Sept. 19, 1986, 99-2, *Record*, p. 24822.
[42] Aug. 1, 1986, 99-2, *Record*, p. 18767.
[43] Feb. 23, 1988, 100-2, *Record*, p. S 1107.
[44] May 28, 1909, 61-1, *Record*, pp. 2493-94.

Vote—Cannot Construe Meaning:

The Presiding Officer, under the precedents of the Senate, has no authority to construe the meaning of a vote.[45]

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See "Congressional *Record*," pp. 643–654.

PRIVATE BILLS

For amendments proposing funds for Private Claims to general appropriation bills, *see* "Appropriations," pp. 150–213.

Rule XIV, Paragraphs 9 and 10

[Reference to Court of Claims]

9. Whenever a private bill, except a bill for a pension, is under consideration, it shall be in order to move the adoption of a resolution to refer the bill to the Chief Commissioner of the Court of Claims for a report in conformity with section 2509 of title 28, United States Code.

[Prohibition Against Introduction or Consideration]

10. No private bill or resolution (including so-called omnibus claims or pension bills), and no amendment to any bill or resolution, authorizing or directing (1) the payment of money for property damages, personal injuries, or death, for which a claim may be filed under chapter 171 of title 28, United States Code, or for a pension (other than to carry out a provision of a law or treaty stipulation); (2) the construction of a bridge across a navigable stream; or (3) the correction of a military or naval record, shall be received or considered.

In 1922 the Chair ruled that a bill making direct appropriations for the payment of private claims, not being general appropriation bills, are not required to be referred to the Committee on Appropriations, under Rule XVI,[1] but since that date the Senate has adopted a rule

[45] *See* Feb. 6, 1962, 87-2, *Record*, pp. 1789–90.
[1] June 30, 1922, 67-2, *Record*, pp. 9761–62.