

PRESIDENT OF THE UNITED STATES

See also "New Session," pp. 494-495.

The relationship between the Congress and the President of the United States is defined in the Constitution, particularly the portions set forth below, and the practices and precedents established since 1789. In addition to the provisions of the Constitution below, and the precedents and practices set forth below in this chapter, *see also* under "Adjournment," "Communications and Messages to the Senate," "Congress," "Executive Business and Executive Sessions," "Impeachment," "Nominations," "Treaties," and "Vetoes."

Article I, Section 7 of Constitution

[Veto]

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Article II, Section 3 of Constitution

[Messages to Congress and Adjournment of Congress by President]

SECTION 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper;

Address the Senate:

The President of the United States has addressed the Senate from time to time. He addressed the Senate for example on May 17, 1968 and on November 13, 1969.¹ He may address the Senate while it is in session or while the Senate is standing in recess for such purpose,² as President Gerald R. Ford did on August 21, 1974,³ and a committee is always appointed to escort the President into the Chamber.⁴

On November 21, 1980, a former President of the United States was granted unanimous consent to address the Senate.⁵

Budget Message:

“On or after the first Monday in January but not later than the first Monday in February of each year, the President shall submit a budget of the United States Government for the following fiscal year.”⁶

Business by Senate Delayed Until State of Union Message Submitted:

The Senate transacts no ordinary business or morning business at the commencement of a regular session of Congress until the President has been informed that the two Houses are in session and ready to receive communi-

¹ May 17, 1968, 90-2, *Record*, p. 13830; Nov. 13, 1969, 91-1, *Record*, p. 34028.

² *Ibid.*

³ Aug. 21, 1974, 93-2, *Record*, p. 29596.

⁴ Nov. 13, 1969, 91-1, *Record*, p. 34028; May 17, 1968, 90-2, *Record*, p. 13830.

⁵ Nov. 21, 1980, 96-2, *Record*, pp. 30752-53.

⁶ 31 U.S.C. 1105(a).

cations from him,⁷ and until he has had an opportunity to communicate with Congress or has transmitted his annual message to Congress,⁸ with rare exceptions.⁹

There is a propensity in the Senate to delay business until the President delivers his state of the Union Address. It is not a universal practice, however, and the rationale for it appears to be strongest at the beginning of the first session of a Congress.¹⁰

Precedent and custom are against the transaction of business on the opening day.¹¹

There is no rule against a Senator making a speech on the opening day of a session. Only by precedent is there no transaction of business on the opening day until the President has delivered his state of the Union address.¹²

Likewise, upon the convening of an extraordinary session of the Senate it is the universal custom of the Senate that no business should be transacted until the President has been notified that the Senate is in session.¹³

There is no rule that prohibits the Senate from receiving, under the First Amendment to the Constitution, a petition of grievance from responsible citizens on the opening day of the session.¹⁴

Committee Appointed To Advise President That a Quorum Is Present:

In 1913 a committee of five Senators was appointed to inform the President of the United States that a quorum of the Senate had assembled and was ready to receive a communication from him.¹⁵ Such a committee is appointed at the beginning of each session of Congress.

⁷ Dec. 1, 1919, 66-2, *Record*, p. 3.

⁸ Dec. 6, 1887, 50-1, *Record*, p. 8; Dec. 2, 1901, 57-1, *Record*, p. 42; Dec. 7, 1903, 58-2, *Record*, p. 2; Jan. 3 and 7, 1953, 83-1, *Record*, pp. 8, 145; Jan. 5, 1951, 82-1, *Record*, pp. 46-47; Jan. 3, 1951, 82-1, *Record*, p. 5; Jan. 3, 1949, 81-1, *Record*, p. 6; July 26, 1948, 80-2, *Record*, p. 9521; Jan. 14, 1946, 79-1, *Record*, p. 4; Apr. 11, 1921, 67-1, *Record*, p. 76; see also Dec. 7, 1914, 63-3, *Journal*, pp. 1-7, *Record*, pp. 2-9; Nov. 17, 1947, 80-1, *Record*, p. 10575. If the time before the message is too long, the Senate will or can go ahead with business as in 1961. (Jan. 4, 1961, 87-1, *Record*, pp. 72-74.)

⁹ See Jan. 15, 1968, 90-2, *Record*, p. 4; Jan. 19, 1970, 91-2, *Record*, p. 4; see also proceedings for 1973.

¹⁰ Jan. 23, 1984, 98-2, *Record*, pp. 5, 44-45.

¹¹ See Jan. 15, 1968, 90-2, *Record*, p. 4.

¹² *Ibid.*

¹³ Mar. 5, 1903, 58-Special Session, *Record*, p. 3.

¹⁴ See Jan. 15, 1968, 90-2, *Record*, p. 4.

¹⁵ Mar. 5, 1913, 63-Special Session, *Record*, p. 4, 62-3, *Journal*, p. 307.

Committee Appointed To Escort President Into Chamber:

A committee is always appointed to escort the President of the United States into the Chamber when he addresses the Senate.¹⁶

Economic Report:

The President shall transmit to the Congress during the first 20 days of each regular session an economic report.¹⁷

Election Expenditures:

The Senate in 1920 authorized the Committee on Privileges and Elections to investigate the campaign receipts and expenditures of the various candidates for President¹⁸ and Vice President.¹⁹

The Senate has held that a resolution providing for an investigation of presidential campaign expenditures is not a matter affecting the privileges of the Senate.²⁰

Electoral Vote:

See also "Electoral Vote," pp. 812-814.

A concurrent resolution providing for the counting of electoral votes for President and Vice President in 1897 having been laid before the Senate, a question was raised that the words relating to the declaration of the election were unnecessary and were not required by the Constitution.²¹ Previous to that date the President pro tempore of the Senate in making a declaration as to the result, announced it would be only a public statement and that he possessed no authority in law to declare any legal conclusion whatever.²²

In the electoral count on January 6, 1969, in joint session of Congress, the vote of North Carolina was contested and the following occurred:

¹⁶ Nov. 13, 1969, 91-1, *Record*, p. 34028.

¹⁷ 15 U.S.C. 1022.

¹⁸ May 20, 1920, 66-2, *Journal*, p. 275, *Record*, p. 7327.

¹⁹ June 5, 1920, 66-2, *Journal*, p. 377, *Record*, p. 8637.

²⁰ Aug. 24, 1912, 62-2, *Journal*, p. 617, *Record*, p. 11792-93.

²¹ Feb. 3, 1897, 54-2, *Journal*, p. 92, *Record*, p. 1480.

²² Feb. 11 and 12, 1885, 48-2, *Journal*, p. 279, *Record*, p. 1532.

JOINT SESSION FOR COUNTING OF ELECTORAL VOTES

On motion by Mr. Mansfield,

The Senate, at 12 o'clock and 45 minutes p.m., pursuant to the provisions of Senate Concurrent Resolution 1, to provide for the counting on January 6, 1969, of the electoral votes for President and Vice President of the United States, proceeded to the Hall of the House of Representatives; and

The two Houses being assembled,

The certificates of the electors of the several States for President and Vice President were opened by the President pro tempore and handed to the tellers appointed for that purpose; who proceeded to announce in the presence and hearing of the two Houses, the vote of each State in alphabetical order.

When the votes of the electors for the State of North Carolina were announced,

Mr. O'Hara, a Member of the House of Representatives from the State of Michigan, interposed an objection to the said votes, and thereupon submitted, for himself and Mr. Muskie, a Senator from the State of Maine (together with the signatures of other Members of Congress), their objection, in writing, which was read as follows:

"We object to the votes from the State of North Carolina for George C. Wallace for President and for Curtis E. LeMay for Vice President on the ground that they were not regularly given in that the plurality of votes of the people of North Carolina were cast for Richard M. Nixon for President and for Spiro T. Agnew for Vice President and the State thereby appointed 13 electors to vote for Richard M. Nixon for President and for Spiro T. Agnew for Vice President and appointed no electors to vote for any other persons. Therefore, no electoral vote of North Carolina should be counted for George C. Wallace for President or for Curtis E. LeMay for Vice President."

* * * * *

No further objection being made,

The President pro tempore announced that the Senate, in pursuance to the law, would withdraw to its Chamber for deliberation on the pending motion.

RECESS

The joint session of the two Houses took a recess at 1 o'clock and 32 minutes p.m., and the Senate returned to its Chamber.

AT 1 O'CLOCK AND 39 MINUTES P.M.

The President pro tempore called the Senate to order, and made the following statement:

"As Senators are aware, we have just been meeting in joint session with the House of Representatives to count the electoral votes to determine the election of the President and Vice President of the United States.

"When the name of the State of North Carolina was read (and the vote thereof announced), objection was filed, pursuant to law, to the validity of the certificate with respect to that State."

The formal motion of the objection (herefore submitted in joint session) was read.

The section of the Code of the United States (title 3, sec. 15) relating to procedure under the present circumstances, was read, as follows:

When the two Houses separate to debate upon an objection that may have been made to the counting of any electoral vote or votes from any State, or other question arising in the matter, each Senator and Representative may speak to such objection or question five minutes, and not more than once; but after such debate shall have lasted two hours it shall be the duty of the presiding officer of each House to put the main question without further debate.

(This being the first time in the history of the United States that such an objection has been filed.)

The question being on agreeing to the objection.

* * * * *

After the Senate concluded its session and voted 33 yeas to 58 nays not to agree to the objection, the Senators in body returned to the joint session:

JOINT SESSION FOR COUNTING OF ELECTORAL VOTES

The Senate proceeded to the Hall of the House of Representatives; and

The two Houses being assembled,

AT 4 O'CLOCK AND 47 MINUTES P.M.

The President pro tempore called the joint session to order; and made the following statement:

"The joint session of Congress for counting the electoral vote resumes its session.

"The two Houses retired to consider separately and decide upon the vote of the State of North Carolina, to which objection has been filed. The Senate has been duly notified—and appreciates the graciousness of the House in so doing—of the action of the House of Representatives on the objection. The Secretary of the Senate will now report the action of the Senate."

The Secretary of the Senate read the following report on the action taken by the Senate:

"In the Senate of the United States:

Ordered, That the Senate by a vote of 33 yeas to 58 nays rejects the objection to the electoral votes cast in the State of North Carolina for George C. Wallace for President and for Curtis E. LeMay for Vice President."

The Clerk of the House read the following report on the action taken by the House of Representatives:

"In the House of Representatives of the United States:

Ordered, That the House of Representatives rejects the objection to the electoral vote of the State of North Carolina submitted by the Representative from Michigan, Mr. O'Hara, and the Senator from Maine, Mr. Muskie.

The President pro tempore made the following statement:

"Under the statute in this case made and provided, the two Houses having rejected the objection that was duly filed, the original certificate submitted by the State of North Carolina will be counted as provided therein.

"Tellers will now record and announce the vote of the State of North Carolina for President and for Vice President in accordance with the action of the two Houses referred to and pursuant to the law."

* * * * *

At the end of the counting of the electoral vote, the following occurred:

The President pro tempore made the following announcement:

"The state of the vote for President of the United States, as delivered to the President pro tempore, is as follows:

"The whole number of the electors appointed to vote for President of the United States is 538, of which a majority is 270.

"Richard M. Nixon, of the State of New York, has received for President of the United States 301 votes;

"Hubert H. Humphrey, of the State of Minnesota, has received 191 votes.

"George C. Wallace, of the State of Alabama, has received 46 votes.

"The state of the vote for Vice President of the United States, as delivered to the President pro tempore, is as follows:

"The whole number of the electors appointed to vote for Vice President of the United States is 538 of which a majority is 270.

"Spiro T. Agnew, of the State of Maryland, has received for Vice President of the United States 301 votes.

"Edmund S. Muskie, of the State of Maine has received 191 votes.

"Curtis Lemay of the State of California, has received 46 votes.

"The announcement of the state of the vote by the President pro tempore shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the twentieth day of January, nineteen hundred and sixty-nine, and shall be entered, together with a list of the votes, on the Journals of the Senate and House of Representatives."

The count of the electoral votes having been completed, and the result announced, the joint session of the two Houses was dissolved at 5 o'clock and 10 minutes p.m.; and the Senate returned to its Chamber.

AT 5 O'CLOCK AND 16 MINUTES P.M.

The President pro tempore called the Senate to order.

COUNT OF ELECTORAL VOTE

Mr. Curtis, one of the tellers appointed on the part of the Senate, in pursuance of Senate Concurrent Resolution 1 to ascertain the result of the election for President and Vice President of the United States, reported that the two Houses had met in joint session and that thereupon the certificates of the electors of the several States of their votes for those offices were opened by the President pro tempore and delivered to the tellers, and, on being examined, it appeared that the votes

of the several States had been cast in accordance with the list hereinbefore stated.²³

Enrolled Bills, Recall From:

See "Signatures on Enrolled Bills Rescinded," pp. 829-830.

Former Presidents May Address the Senate:

Under a resolution adopted by the Senate on October 1, 1963, former Presidents of the United States are entitled to address the Senate upon appropriate notice to the Presiding Officer who shall thereupon make the necessary arrangements.²⁴

Former President Gerald R. Ford addressed the Senate on November 21, 1980, after he was granted unanimous consent to do so.²⁵

Inauguration of President:

Congress, each year preceding the inauguration of a President of the United States, adopts a concurrent resolution to authorize the appointment of a joint committee to make arrangements for his inauguration. For example, the following resolution was approved by both Houses in 1968, and a committee was appointed:²⁶

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three Senators and three Representatives, to be appointed by the President of the Senate and the Speaker of the House of Representatives, respectively, is authorized to make the necessary arrangements for the inauguration of the President-elect and Vice President-elect of the United States on the 20th day of January 1969.

Journal, Spreading of Message on:

See "Journal," pp. 893-901.

²³ Jan. 6, 1969, 91-1, *Journal*, pp. 5-7.

²⁴ Oct. 1, 1963, 88-1, *Journal*, p. 527, Rule XIX, par. 8.

²⁵ Nov. 21, 1980, 96-2, *Record*, pp. 30752-53.

²⁶ May 29, 1968, 90-2, *Journal*, p. 447.

Law Without President's Signature and Comment on Signing:

In 1884, the President permitted an act to become a law without his approval and notified the Senate of his reason for such action.²⁷

In 1921, the President advised the Congress of the approval of the Army appropriation bill, and made certain comments concerning the reduction of the enlisted personnel provided in said bill.²⁸

Messages to Congress:

See also "Communications and Messages to the Senate," pp. 430-441; "Journal," pp. 893-901.

If the President delivers a message to Congress in person it will be printed in the *Record* as delivered as a part of the proceedings of either or both Houses, but if a Presidential message is sent to Congress, or to either House by messenger, it will be laid before the Houses concerned by the Presiding Officer of that House. In the Senate the procedure is set forth in Rules VII and IX, and the practice thereunder is to receive and lay before the Senate messages from the President at any time. When the Presiding Officer lays such a message before the Senate he directs the Clerk to read the same, unless by unanimous consent it is ordered to be laid down and printed in the *Congressional Record* without being read. Either way it would become a part of the Senate proceedings for that day.

In 1949, in order to permit release of a presidential message to the newspapers, a Senator, in the course of a speech, yielded for the Presiding Officer to lay it before the Senate, when its reading was deferred until later in the day.²⁹

In 1896 an unsigned message transmitted to the Senate by the President was returned to him for his signature.³⁰

Pursuant to special order the Secretary of the Senate has been authorized from time to time to receive messages

²⁷ June 23, 1884, 48-1, *Record*, p. 5469.

²⁸ June 30, 1921, 67-1, *Journal*, p. 178, *Record*, p. 3238.

²⁹ Mar. 5, 1949, 81-1, *Record*, p. 1923.

³⁰ Mar. 17, 1886, 49-1, *Record*, p. 2430.

when the Senate was in recess,³¹ and on June 12, 1942, the President transmitted a message to the Secretary when the Senate was in recess pursuant to a previous order.³²

The President laid before the Senate in person the treaty of peace with Germany signed at Versailles on June 28, 1919.³³

The President has addressed the Senate in person on different occasions, including May 31, 1932, on the financial and economic conditions of the country,³⁴ in 1918 on the subject of women suffrage,³⁵ and in 1919 on the Treaty of Versailles.³⁶

Nominations:

See "Nominations," pp. 938-953.

President Notified at Beginning and End of Sessions:

The President of the United States is notified personally by a committee of two Senators and two Representatives, both at the beginning and the end of each session of Congress.³⁷

Reconsideration of Bills Sent to President:

See "Reconsideration," pp. 1124-1149.

Rule XIX, Not Applicable to President:

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

Signatures of Laws:

Notification of approvals by the President of the United States of House bills is transmitted to the House of Representatives,³⁸ and Senate bills to the Senate; but the Presi-

³¹ Mar. 23, 1933, 73-1, *Journal*, p. 49; Mar. 27, 1933, 73-1, *Journal*, p. 50; Jan. 22, 1934, 73-2, *Journal*, pp. 49-50; Jan. 9 and 13, 1936, 74-2, *Journal*, pp. 25, 27; Aug. 22, 1935, 74-1, *Journal*, p. 684.

³² June 15, 1942, 77-2, *Record*, pp. 5181-82.

³³ July 8 and 10, 1919, 66-1, *Journal*, pp. 119, 122, *Record*, 2271, 2336.

³⁴ May 31, 1932, 72-1, *Journal*, pp. 525, 527, *Record*, p. 11591.

³⁵ Sept. 30, 1918, 65-2, *Journal*, p. 356, *Record*, p. 10928.

³⁶ July 8 and 10, 1919, 66-1, *Journal*, pp. 119, 122, *Record*, pp. 2271, 2336.

³⁷ Jan. 23, 1934, 98-2, *Record*, p. 2.

³⁸ Aug. 9, 1921, 67-1, *Record*, p. 4745.

dent on two occasions has notified both Houses of Congress of his approval of bills originating in the House.³⁹

Signing of Enrolled Bills:

See "President Has Ten Days To Sign," p. 827.

Treaties:

See "Treaties," pp. 1294-1310.

Vetoed by:

See "Vetoes," pp. 1381-1389.

PRESIDENTIAL MESSAGES

See "Communications and Messages to the Senate," pp. 430-441.

³⁹ July 3, 1946, 79-2, *Record*, p. 8235; July 25, 1946, 79-2, *Record*, p. 9996.