

SECRETARY OF THE SENATE

Rule I, Paragraph 2

[Preside Over Senate]

In the absence of the Vice President, and pending the election of a President pro tempore, the Acting President pro tempore or the Secretary of the Senate, or in his absence the Assistant Secretary, shall perform the duties of the Chair.

Rule II, Paragraphs 2 and 3

[Certificates of Election and Appointments—Keeps Records and Distributes]

2. The Secretary shall keep a record of the certificates of election and certificates of appointment of Senators by entering in a well-bound book kept for that purpose the date of the election or appointment, the name of the person elected or appointed; the date of the certificate, the name of the governor and the secretary of state signing and counter-signing the same, and the State from which such Senator is elected or appointed.

3. The Secretary of the Senate shall send copies of the recommended forms to the governor and secretary of state of each State wherein an election is about to take place or an appointment is to be made so that they may use such forms if they see fit.

The recommended forms for Certificate of Election and Certificate of Appointment are as follows;

“Certificate of Election For Six-Year Term

“To the President of the Senate of the United States:

“This is to certify that on the _____ day of _____, 19____, A_____ B_____ was duly chosen by the qualified electors of the State of _____ a Senator from said state to represent said State of the United States for the term of six years, beginning on the 3d day of January, 19____.

“Witness: His excellency our governor _____, and our seal hereto affixed at _____ this _____ day of _____, in the year of our Lord 19____.

“By the governor:

“C_____ D_____,
Governor.

“E_____ F_____,
“Secretary of State.”

“Certificate of Election For Unexpired Term

“To the President of the Senate of the United States:

“This is to certify that on the _____ day of _____, 19____, A_____ B _____ was duly chosen by the qualified electors of the State of _____ a Senator for the unexpired term ending at noon on the 3d day of January, 19____, to fill the vacancy in the representation from said state in the Senate of the United States caused by the _____ of C _____ D_____.

“Witness: His excellency our governor _____, and our seal hereto affixed at _____ this _____ day of _____, in the year of our Lord 19____.

“By the governor:

“E_____ F _____,
Governor.

“G_____ H _____,
“Secretary of State.”

“Certificate of Appointment

“To the President of Senate of the United States:

“This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of _____, I, A_____ B _____, the governor of said State, do hereby appoint C _____ D _____ a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the _____ of E_____ F _____, is filled by election as provided by law.

“Witness: His excellency our governor _____, and our seal hereto affixed at _____ this _____ day of _____, in the year of our Lord 19____.

“By the governor:

“G_____ H _____,
Governor.

“I_____ J _____,
“Secretary of State.”

Rule XIV, Paragraph 5**[Secretary Examines Bills, Amendments, and Joint Resolutions and Supervises Enrollments]**

All bills, amendments, and joint resolutions shall be examined under the supervision of the Secretary of the Senate before they go out of the possession of the Senate, and all bills and joint resolutions which shall have passed both Houses shall be examined under the supervision of the Secretary of the Senate, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and the President of the Senate, the Secretary of the Senate shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States and report the fact and date of such presentation to the Senate.

Rule XI, Paragraphs 1 and 2

[Papers—Withdrawal, Printing, Reading of, and Reference]

1. No memorial or other paper presented to the Senate, except original treaties finally acted upon, shall be withdrawn from its files except by order of the Senate.

2. The Secretary of the Senate shall obtain at the close of each Congress all the noncurrent records of the Senate and of each Senate committee and transfer them to the National Archives and Records Administration for preservation, subject to the orders of the Senate.

Senate Resolution, Adopted in 1886

[Secretary Custodian of Senate Seal]

Resolved. That the Secretary shall have the custody of the seal, and shall use the same for the authentication of process transcripts, copies, and certificates whenever directed by the Senate; and may use the same to authenticate copies of such papers and documents in his office as he may lawfully give copies of.

Election of:

The Secretary of the Senate is not elected by ballot, but by a resolution or order of the Senate.¹

Oath of Office:

The Secretary of the Senate takes oath of office in open session of the Senate much the same as Senators.² Resolutions are adopted notifying both the President of the United States and the House of Representatives of that action.³

Offices Under the Secretary:

The office of Principal Executive Clerk of the Senate was abolished in 1892, and the appointment, removal, and control of the clerical force in the Secretary's office, including the Chief Clerk, was vested in the Secretary of the Senate.⁴

¹ See Jan. 4, 1977, 95-1, *Journal*, p. 15.

² Oct. 22, 1965, 89-1, *Record*, p. 28148.

³ Oct. 22, 1965, 89-1, *Record*, p. 28148. In 1965, the Senate administered the oath of office to Mr. Frazier on Oct. 22, to be effective on Jan. 1, 1966.

⁴ May 19, 1892, 51-1, *Journal*, p. 272. *Record*, p. 4417.

Petitions, Memorials, and Private Bills Presented to Secretary:

Petitions, memorials, bills, and resolutions may, after the Morning Hour, or during debate or consideration of the unfinished business, be presented to the Presiding Officer's desk and without objection be processed for reference "and furnished to the official reporters * * * for publication in the *Congressional Record*, under the direction of the Secretary of the Senate."⁵

Presides Over Senate in Absence of Elected Presiding Officers:

"In the absence of the Vice President and pending the election of a President pro tempore, the Acting President pro tempore or the Secretary of the Senate, or in his absence the Assistant Secretary,⁶ shall perform the duties of the Chair." This situation obtains occasionally when the term of a Senator expires who has been elected President pro tempore of the Senate and before he is reelected or another President pro tempore has been elected.⁷

Seal of Senate:

The Senate, on March 31, 1885, agreed to a resolution directing the Committee on Rules to prepare an official seal of the Senate;⁸ then on January 20, 1886, the Senate adopted a resolution placing the seal in the custody of the Secretary and prescribing its use.⁹

Substantive Authority:

On one occasion the Senate by unanimous consent gave the Secretary of the Senate authority to make substantive

⁵ Rule VII, par. 6; July 25, 1914, 63-2, *Record*, pp. 12725-26; see also Jan. 19, 1938, 75-3, *Record*, p. 752.

⁶ Rule I, paragraph 2.

⁷ Cited here are instances when the Secretary of the Senate called the Senate to order until a President pro tempore was elected: Jan. 19, 1859, 35-2, *Journal*, p. 161; Jan. 25, 1859, 35-2, *Journal*, p. 181; July 17, 1861, 37-1, *Record*, p. 177; Mar. 4, 1863, 37-3, *Record*, p. 1553; June 8, 1872, 42-2, *Journal*, p. 1004; Dec. 7, 1885, 49-1, *Journal*, p. 6; Feb. 7, 1896, 54-1, *Journal*, p. 117; Dec. 6, 1915, 64-1, *Journal*, p. 3; Mar. 4, 1933, 73-Special Session of the Senate, *Journal*, p. 5; Nov. 19, 1940, 76-3, *Record*, p. 20935; June 26, 1941, 77-1, *Record*, pp. 5635-55; Jan. 3 and 4, 1947, 80-1, *Record*, pp. 1, 105; July 18, 1861, 37-1, *Journal*, p. 55; Mar. 4, 1863, 37-3, *Journal*, p. 448.

⁸ Mar. 21 and 31, 1885, 49-Special Session, *Record*, pp. 71, 96.

⁹ Jan. 20, 1886, 49-1, *Journal*, p. 194, *Record*, p. 769.

changes in the engrossment of a Senate amendment to a House bill.¹⁰

SELECT COMMITTEES

See "Motions To Refer," pp. 1162-1164; "Special or Select Committees," pp. 427-428.

SENATE

Employees and Officers:

See "Officers of the Senate," p. 955.

Hour of Daily Meeting:

See "Daily Sessions," pp. 711-712.

New Congress:

See "Congress," pp. 494-495.

Special Sessions of Senate:

See also "Special Session of Congress," p. 495.

Upon the convening of an extraordinary session of the Senate, it is the universal custom of the Senate that no business shall be transacted until the President has been notified that the Senate is in session.¹

Legislative business is not in order at a specially called session of the Senate.²

In a special session of either House, legislation is not in order; Congress must be in session for legislation to be in order.³

For a discussion of the powers and policy of the Senate as to the transaction of business at an extraordinary ses-

¹⁰ Nov. 23, 1985, 99-1, *Record*, pp. 33478-80.

¹ Mar. 5, 1903, 58-Special Session, *Record*, p. 3.

² Mar. 13, 14, 19 and 26, 1873, 42-3, *Journal*, pp. 612, 614, 617, 625.

³ Mar. 13, 1873, 42-3, *Journal*, p. 612; Mar. 14, 1873, 42-3, *Journal*, p. 614; Mar. 19, 1873, 42-3, *Journal*, p. 617.