

CRS Report for Congress

Received through the CRS Web

Presiding Officer: Senate

Colton C. Campbell
Analyst in American National Government
Government & Finance Division

Summary

The Constitution designates the Vice President of the United States as the presiding officer of the Senate and further provides that in the absence of the Vice President, the Senate may elect a President pro tempore, who by custom, is usually the most senior senator of the majority party, to perform the duties of the chair. In daily practice, however, the duties and functions of the chair are carried out by an acting President pro tempore, and temporary presiding officers, often junior Senators, who rotate in the chair for shifts of generally one hour each. Since 1977, only majority-party Senators have been appointed to preside over the Senate, except during the power-sharing period of the 107th Congress (2001-2002), when chamber control was evenly divided. This report will be updated as warranted.

Election and Historical Position of President of Senate

The Senate does not elect its regular presiding officer.¹ Rather, the President of the Senate (Vice President of the United States) and the President pro tempore are made the Senate's presiding officers by Article I, Section III, of the Constitution, which provides that the Vice President "shall be President of the Senate, but shall have no vote, unless they be equally divided"; and the "Senate shall choose . . . a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States."

For most of its first century, the Senate filled the post of President pro tempore on a temporary basis, whenever the Vice President was not present. By 1890, the Senate began the practice of the President pro tempore holding office continuously until the

¹ Floyd M. Riddick and Alan S. Frumin, *Riddick's Senate Procedure: Precedents and Practices* (Washington: GPO, 1992).

About TheCapitol.Net

We help you understand Washington and Congress.™

For more than 35 years, TheCapitol.Net and its predecessor, Congressional Quarterly Executive Conferences, have been training professionals from government, military, business, and NGOs on the dynamics and operations of the legislative and executive branches and how to work with them.

Our training and publications include congressional operations, legislative and budget process, communication and advocacy, media and public relations, research, testifying before Congress, legislative drafting, critical thinking and writing, and more.

TheCapitol.Net encompasses a dynamic team of more than 150 faculty members and authors, all of whom are independent subject matter experts and veterans in their fields. Faculty and authors include senior government executives, former members of Congress, Hill and agency staff, editors and journalists, lobbyists, lawyers, nonprofit executives, and scholars.

We have worked with hundreds of clients across the country to develop and produce a wide variety of custom, on-site training programs.

All courses, seminars, and workshops can be tailored to align with your organization's educational objectives and presented on-site at your location.

TheCapitol.Net is on the GSA Schedule, 874-4, for custom on-site training:
GSA Contract GS02F0192X.

TheCapitol.Net has more than 2,000 clients representing congressional offices, federal and state agencies, military branches, corporations, associations, news media, and NGOs nationwide.

TheCapitol.Net is a non-partisan firm.

Our blog: [Hobnob Blog](#)—hit or miss ... give or take ... this or that ...

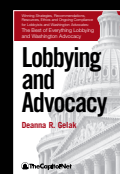
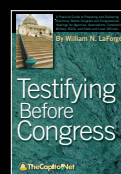


Non-partisan training and publications that show how Washington works.™

PO Box 25706, Alexandria, VA 22313-5706
202-678-1600 • www.thecapitol.net



TheCapitol.Net is on the
GSA Schedule, 874-4,
for custom on-site training.
GSA Contract GS02F0192X



election of a successor.² The practice of electing the longest-serving majority-party Senator as President pro tempore has been followed since 1945, with one exception.³

In modern practice, neither the Vice President nor the President pro tempore spends much time presiding over the Senate. Vice Presidents have never been extended significant legislative power other than their ability to cast the deciding vote in the event of a tie. A few have attempted to guide Senate action, but most have followed the precedent set by John Adams, who, as Vice President, remained aloof from the day-to-day business of the Senate. Vice Presidents today preside only upon ceremonial occasions or when a close vote on a measure or amendment of interest to the Administration or executive business is likely to occur.

The responsibilities of the President pro tempore have changed over time. Presidents pro tempore have been entrusted with making appointments to an assortment of national commissions, usually with the advice of the party floor leaders; administering oaths required by the Constitution in the absence of the Vice President; signing legislation in the absence of the Vice President; and jointly presiding with the Speaker of the House when the two chambers sit together in joint sessions or joint meetings.⁴ Contemporary Presidents pro tempore infrequently preside over the Senate. Instead, they designate (in writing or in person) an acting President pro tempore to preside for the day,⁵ who, after the start of each daily meeting, turns to party officials who arrange for junior Members to preside thereafter. These subsequent Senators are primarily first-term Members who preside for shifts of generally one hour each. The chair is addressed as “Mr. President” or “Madame President,” depending on who is in the chair.

Duties and Functions of the Presiding Officer

The general duties of the Senate presiding officer consist mostly of preserving order and decorum on the Senate floor and in the galleries. As a Senator, the presiding officer may vote on all matters. The Vice President may not vote except to break ties, but he may also decline to vote in such instances, allowing the matter to be defeated on a tie vote.

Within the general duties, however, some of the more important functions of the presiding officer are

- recognizing the first Senator who seeks recognition to speak, with exceptions for the priority given to party and committee leaders when managing legislation;

² Robert C. Byrd, *The Senate, 1789-1989: Addresses on the History of the United States Senate*, vol. 2 (Washington: GPO, 1991), pp. 167-205. See also CRS Report RL30960, *The President Pro Tempore of the Senate: History and Authority of the Office*, by Richard C. Sachs.

³ Senator Arthur H. Vandenberg of Michigan was the second-ranking Republican when elected President pro tempore in 1947. See David R. Tarr and Ann O'Connor, eds., *Congress A to Z*, 3rd ed. (Washington: Congressional Quarterly Inc., 1999), p. 348.

⁴ Robert C. Byrd, *The Senate, 1789-1989: Addresses on the History of the United States Senate*, vol. 2 (Washington: GPO, 1991), pp. 167-205.

⁵ Riddick, *Senate Procedure*, p. 1025.

- recognizing Members who wish to introduce bills from the floor, or to offer amendments and motions to bills being debated;
- ruling on points of order, with the advice of the parliamentarian, subject to appeal to the full Senate;
- enforcing voting and amending procedures; and
- referring bills to committees, on the advice of the parliamentarian.

Other functions include

- answering parliamentary inquiries, with the assistance of the parliamentarian;
- announcing Senators to House-Senate conference committees when given such authority by unanimous consent;
- appointing members to special committees when given such authority by unanimous consent;
- administering oaths; and
- generally enforcing the rules of the Senate.

In the late 1960s, to encourage freshmen Senators to grow more accustomed to the Senate's rules and procedures, the majority leader created what has become known as the "Golden Gavel Award." The plain gold-painted wooden gavel is a mark of distinction, awarded to those who preside for 100 hours during any year. To highlight this mark of achievement, the majority or minority leader stops other floor business to honor the recipient.⁶ Between 1990 and 2000 only 29 Senators achieved this milestone.⁷

⁶ U.S. Senate, [<http://www.senate.gov/reference/resources/pdf/goldengavel.pdf>], visited June 17, 2003.

⁷ Based on full text search, "Golden Gavel," in the *Congressional Record*.

Learn how Capitol Hill really works

All of our programs and any combination of their topics can be tailored for on-site training for your organization.

For more than 35 years, TheCapitol.Net and its predecessor, Congressional Quarterly Executive Conferences, have been teaching professionals from government, military, business, and NGOs about the dynamics and operations of the legislative and executive branches and how to work with them.

Our custom, on-site training and publications include congressional operations, legislative and budget process, communication and advocacy, media and public relations, research, testifying before Congress, legislative drafting, critical thinking and writing, and more.

- **Diverse Client Base**—We have tailored hundreds of custom on-site training programs for Congress, numerous agencies in all federal departments, the military, law firms, lobbying firms, unions, think tanks and NGOs, foreign delegations, associations and corporations, delivering exceptional insight into how Washington works.™
- **Experienced Program Design and Delivery**—We have designed and delivered hundreds of custom programs covering congressional/legislative operations, budget process, media training, writing skills, legislative drafting, advocacy, research, testifying before Congress, grassroots, and more.
- **Professional Materials**—We provide training materials and publications that show how Washington works. Our publications are designed both as course materials and as invaluable reference tools.
- **Large Team of Experienced Faculty**—More than 150 faculty members provide independent subject matter expertise. Each program is designed using the best faculty member for each session.
- **Non-Partisan**—TheCapitol.Net is non-partisan.
- **GSA Schedule**—TheCapitol.Net is on the GSA Schedule, 874-4, for custom on-site training: GSA Contract GS02F0192X.

Please see our Capability Statement on our web site at TCNCS.com.

Custom training programs are designed to meet your educational and training goals, each led by independent subject-matter experts best qualified to help you reach your educational objectives and align with your audience.

As part of your custom program, we can also provide classroom space, breaks and meals, receptions, tours, and online registration and individual attendee billing services.

For more information about custom on-site training for your organization, please see our web site: TCNCustom.com or call us: 202-678-1600, ext 115.



TheCapitol.Net

Non-partisan training and publications that show how Washington works.™

PO Box 25706, Alexandria, VA 22313-5706
202-678-1600 • www.thecapitol.net



TheCapitol.Net is on the
GSA Schedule, 874-4,
for custom on-site training.
GSA Contract GS02F0192X

