

CRS Report for Congress

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Presiding Officer: Senate

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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).

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

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

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