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The President Pro Tempore of the Senate: History and Authority of the Office

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Summary

The U.S. Constitution establishes the office of the President pro tempore of the Senate to preside over the Senate in the Vice President's absence. Since 1947, the President pro tempore has stood third in line to succeed to the presidency, after the Vice President and the Speaker of the House.

Although the President pro tempore's powers are limited and not comparable to those of the Speaker of the House, as the chamber's presiding officer, he is authorized to perform certain duties. For example, he may decide points of order (subject to appeal) and enforce decorum in the Senate chamber and galleries.

Early in the nation's history, some Presidents pro tempore appointed Senators to standing committees. While they no longer do so, election to the office is considered one of the highest honors bestowed by the Senate, and Presidents pro tempore are traditionally accorded a somewhat larger salary and allowances for staff.

Eighty-seven different Senators have served as President pro tempore. Sixty-one served prior to 1900, when Vice Presidents routinely presided over the chamber and Presidents pro tempore were elected to serve only for limited periods when the Vice President was absent or ill, or the office was vacated. Frequently, several different Presidents pro tempore were chosen in a single congressional session, "on the basis of their personal characteristics, popularity, and reliability." (See Robert C. Byrd, "President Pro Tempore of the Senate," in Donald C. Bacon, Roger H. Davidson, and Morton Keller, eds., *The Encyclopedia of the Congress*, 4 vols., New York: Simon & Schuster, 1995, vol. 3, p. 1604.) The President pro tempore in the 110th Congress is Senator Robert C. Byrd, Democrat of West Virginia.

Since 1890, the President pro tempore has customarily been the majority party Senator with the longest continuous service. Twice, the Senate has also created an office of Deputy President pro tempore to honor a colleague, and an office of Permanent Acting President pro tempore in a third instance for the same reason. In 2001, the Senate also created an office of President pro tempore Emeritus.

This report traces the constitutional origins and development of the office of President pro tempore of the Senate, reviews its current role and authority, and provides information on Senators who have held this office, and the more recently created subsidiary offices, over the past two centuries.

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Introduction

The President pro tempore of the Senate is one of only three legislative officers established by the U.S. Constitution. The other two are the Speaker of the House of Representatives and the Vice President of the United States, who also serves as President of the Senate. The Constitution designates the President pro tempore to serve in the Vice President's absence. The President pro tempore is often popularly known as the President pro tem.

The role of the President pro tempore has evolved since John Langdon of New Hampshire first took the chair on April 6, 1789, in the absence of Vice President John Adams.[1] Once only temporary stand-ins for the Vice President, contemporary Presidents pro tempore now effectively serve as long as their party holds a majority in the Senate. By virtue of the Succession Act of 1792, the President pro tempore stood second in the line of presidential succession after the Vice President for nearly a century. The Succession Act of 1886 removed the President pro tempore as a successor. With the passage of the Presidential Succession Act of 1947, the President pro tempore was restored to the line of succession, this time following the Vice President and the Speaker of the House. At one time Presidents pro tempore appointed committee members and wielded considerable power within the Senate, but are now more limited in their independent authority.

Perhaps the greatest change in the office came in 1890, when the Senate decided that Presidents pro tempore would hold the office continuously until the election of a successor, regardless of whether the Vice President was present or absent. Since that time, the office has been customarily occupied by the most senior Senator of the majority party. Although the office's practical authority has diminished, it remains powerfully symbolic of the dignity of the United States Senate. As one noted historian of the Senate has written, "election of a [S]enator to the office of the [P]resident pro tempore has always been considered one of the highest honors offered to a [S]enator by the Senate as a body."[2]

On January 4, 2007, the first day of the 110th Congress, the Senate approved S.Res. 3, electing Robert C. Byrd, Democrat of West Virginia, to be President pro tempore of the Senate.

In addition to a survey of the origins, history, and authorities of the office of the President pro tempore, this report includes accompanying tables that provide further historical data. **Table 1** identifies each of the Presidents pro tempore since 1789. **Table 2** provides information on the two Senators who have held the office of Deputy President pro tempore. Historical data on the single Senator to serve as Permanent Acting President pro tempore is found in **Table 3**. The recently established office of President pro tempore Emeritus is noted in **Table 4**. A brief bibliography is also provided. An appendix explains the abbreviations used to denote party affiliations in **Table 1**.

[1] John Langdon was first elected President pro tempore on April 6, 1789, for the purpose of counting the electoral vote ballots for President and Vice President. Technically, he did not replace Vice President John Adams in the chair, but served prior to the Vice President's formal election on that day. See *Debates and Proceedings of the Congress of the United States*, vol. 1, April 6, 1789 (Washington: Gales and Seaton, 1834), pp. 16-17, 22. Vice President Adams first appeared in the Senate on April 21,1789.

[2] Robert C. Byrd, *The Senate, 1789-1989: Its History and Practice*, 100th Cong., 1st sess., S.Doc. 100-20 (Washington: GPO, 1988-1994), vol 2, p. 183.

In addition to statutory law and rules of the Senate, other sources provide information on the office of the President pro tempore. The principal source for party affiliations in **Table 1** is Senator Robert C. Byrd's *The Senate, 1789-1989, vol. IV: Historical Statistics, 1789-1992.*[3] The *Senate Manual* contains tables similar to **Tables 1** and **2** in this report.[4]

The official compilation of Senate precedents, including those relating to the President pro tempore, is printed as *Riddick's Senate Procedure*. The latest version, revised and edited by Senate parliamentarian Alan S. Frumin, was printed in 1992 (S.Doc. 101-28).[5] Senate precedents are also available online from the Senate Legis database, although they are complete only through 1988. Online statutory information about the President pro tempore can also be found in commercial data bases such as Lexis-Nexis, and for free through the website of the U.S. Government Printing Office and its *United States Code* search engine.[6] Recent scholarship also contributed to this report.[7]

Historical Development of the Office of the President Pro Tempore

Origins

Article I, Section 3 of the United States Constitution declares that:

> The Senate shall choose their other Officers, and also a President pro tempore in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

Aside from the Vice President's designation as President of the Senate, the President pro tempore is the only position in the Senate explicitly established by the Constitution.

After a sufficient number of Senators arrived to constitute a quorum for the First Congress on April 6, 1789, the credentials of those present were approved and ordered filed. Next, the chamber selected a President of the Senate "for the sole purpose of opening and counting the votes for President of the United States."[8] John Langdon of New Hampshire was elected, and performed this task. After the election of John Adams as Vice President, the Senate immediately "proceeded by ballot to the choice of a President of their body, pro tempore" because Adams had not yet arrived to assume his duties as President of the Senate.[9]

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[3] Robert C. Byrd, *The Senate, 1789-1989*, vol. 4, pp. 647-653.

[4] *Senate Manual*, 107th Cong., 1st sess., S.Doc. 107-1 (Washington: GPO, 2002), pp. 991-996.

[5] Floyd M. Riddick and Alan S. Frumin, *Riddick's Senate Procedure: Precedents and Practices*, 101st Cong., 1st sess., S.Doc. 101-28 (Washington: GPO, 1992).

[6] See U.S. Government Printing Office's website at http://www.access.gpo.gov/.

[7] See Gerald Gamm and Stephen S. Smith, *Last Among Equals: The Senate's Presiding Officer*, paper presented at the Annual Meeting of the American Political Science Association, Boston, September, 1998. Hereafter, Gamm and Smith, *Last Among Equals*.

[8] U.S. Congress, *Senate Journal*, 1st Cong., 1st sess., April 6, 1789, p. 7.

[9] Ibid., p. 8.

Again, Langdon was chosen, this time to preside over the Senate, and he continued to do so until Vice President Adams appeared in the chamber on April 21, 1789. When Vice President Adams took the chair, Langdon's service as President pro tempore came to an end. Langdon was re-elected to the office on August 7, 1789, when Adams was again absent.[10]

Tenure

For more than a century, the Senate acted upon the theory that a President pro tempore could be chosen only in the absence of the Vice President, and that the tenure of a President pro tempore expired when the Vice President resumed his duties in the Senate.[11] Under this interpretation of the Constitution, the Senate elected a President pro tempore each time the Vice President was absent at the beginning of a daily session. Between April 1789 and March 1890, the Senate elected Presidents pro tempore on no fewer than 166 occasions. A record 10 such elections were held during the 42nd Congress.

During the period from April 1789 to March 1890, Presidents pro tempore usually served no more than a few consecutive days before the Vice President returned to displace them. A few men, however, did enjoy relatively long uninterrupted tenures because of the death, extended illness, or chronic absenteeism of some Vice Presidents, or because of a vice presidential vacancy following the death of a President.

Between 1811 and 1825, for example, John Gaillard of South Carolina and, to a lesser degree, James Barbour of Virginia, served as Presidents pro tempore for considerable periods due to the deaths of two Vice Presidents and the absenteeism of a third. Two different Senators were President pro tempore for nearly four years after Vice President John Tyler assumed the presidency in March 1841 following William Henry Harrison's death one month after his inauguration as chief executive. Samuel L. Southard of New Jersey occupied the chair for the remainder of 1841 and the first five months of 1842, when Willie P. Mangum of North Carolina was chosen President pro tempore. Mangum served until the inauguration of the next Vice President, George M. Dallas on March 3, 1845.

Similarly, William R. King of Alabama served extensively in the chair during the late 1830s and early 1840s by virtue of his election as President pro tempore on nine consecutive occasions, between July 1836 and March 1841. King also held the position continuously from mid-1850 through late 1852 after Vice President Millard Fillmore succeeded to the presidency upon President Zachary Taylor's death. Senator Benjamin F. Wade of Ohio also enjoyed a long term as President pro tempore after Andrew Johnson became President following President Abraham Lincoln's assassination, as did Senator John Sherman of Ohio, and subsequently John J. Ingalls of Kansas following Vice President Thomas A. Hendricks death in 1885.[12]

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[10] Ibid., p. 14; also, George H. Haynes, *The Senate of the United States*, 2 vols. (New York: Russell and Russell, [1938] 1960), vol. 1, p. 249.

[11] In its report of January 6, 1876, the Senate Committee on Privileges and Elections declared: "The office of the president pro tempore of the Senate must expire whenever the absence of the Vice President is at an end and he appears in the Senate to preside." U.S. Congress, Senate, [*Election of President Pro Tempore*], 44th Cong., 1st sess., S.Rept. 3 (Washington: GPO, 1876), p. 2. See also, George P. Furber, *Precedents Relating to the Privileges of the Senate of the United States*, 52nd Cong., 2nd sess., S. Misc. Doc. 68 (Washington: GPO, 1893), p. 176.

[12] Until the 20th century there was no seniority system in the Senate. Of the Senators elected President pro tempore between 1870 and 1900, only two ranked first in their party. "[S]enators instead tended to elect men who were (continued...)

By the late 19th century, the Senate's workload had grown dramatically and the political parties had increasingly assumed responsibility for organizing the work of the chamber and controlling debate on the floor.[13] The role of the presiding officer was consequently diminished. Moreover, questions had arisen over the years about the election of the President pro tempore. For example, is the President pro tempore of the Senate an officer of the Senate, and, does the death of the Vice President after the election of a President pro tempore have the effect of vacating the office of the President pro tempore and requiring a new election? These questions were raised in concrete form following the death in November 1875 of Vice President Henry Wilson, who was considered a "highly efficient and acceptable presiding officer."[14] In January 1876 a report by the Committee on Privileges and Elections responded to these and other questions involving the "character and tenure" of the President pro tempore.[15]

After debate on the committee's report, the Senate adopted several clarifying resolutions. First, it determined that the tenure of a President pro tempore elected at one session would continue without interruption through a recess and into the next session until the Vice President appeared.

Second, it decided that the death of a Vice President did not automatically vacate the office of the President pro tempore if one had been properly chosen. Third, the Senate affirmed its authority to replace a President pro tempore whenever it pleased.[16]

These questions were of more than internal Senate interest throughout this period, since the President pro tempore followed the Vice President in the order of succession to the presidency. The Succession Act of 1792 provided that if both the President and Vice President were to die or otherwise become unable to exercise the powers of the presidency at a time when the Senate was officially absent from the nation's capital, and if that body had not chosen a President pro tempore to hold the office during the recess, then the Speaker of the House, under the law, would "act as President of the United States ...."[17]

Considering the transportation available in those days, it might take weeks before enough Senators could reassemble and choose a new President pro tempore. Prudence therefore required that the Senate should elect someone to hold that office during the recesses between sessions of a Congress. Because the Senate at the time acted upon the theory that it could not choose a President pro tempore while the Vice President was present, it quickly became the custom after 1792 for the latter to withdraw from the chamber shortly before the end of a session so that

(...continued)

distinguished, popular, and familiar with parliamentary law." Gamm and Smith, *Last Among Equals*, p. 4.

[13] Ibid., p. 15.

[14] George Henry Haynes, "Henry Wilson," in *Dictionary of American Biography*, 10 vols., (New York: Charles Scribner's Sons, 1936), vol. 10, p. 324.

[15] U.S. Congress, Senate, [*Election of President Pro Tempore*], 44th Cong., 1st sess., S.Rept. 3 (Washington: GPO, 1876), p. 1.

[16] U.S. Congress, *Senate Journal*, "Election of President Pro Tempore," 44th Cong., 1st sess. (Washington: GPO, 1875), p. 90, 99. See also: "Office of the President Pro Tempore," *Congressional Record*, vol. 4 (January 10, 1876), pp. 311-316, and (January 11, 1876), pp. 360-373. These resolutions formalized what had been the usual, though unwritten practice of the Senate prior to their adoption.

[17] 1 Stat. 240.

Senators might "legally" elect one of their own to the position.[18] Further, historian George H. Haynes notes:

> In order that a Senator might be in a position to take upon himself the duties of President of the United States if the necessity should arise, a precedent, set by John Adams and scrupulously followed by Jefferson and Burr, was established whereby the Vice-President would absent himself—'out of courtesy, not necessity,' as Senator Evarts insisted—a day or so before the end of the session, to afford the Senate an opportunity to elect a President *pro tempore* who should hold office during the recess.[19]

Such withdrawals, as noted, were matters of courtesy rather than law, and while most Vice Presidents adhered to the custom, a few, inevitably, did not, usually because of critical political circumstances.[20] When both the President pro tempore and the Speaker of the House were removed from the line of succession by the Succession Act of January 19, 1886, the necessity for such maneuvers was eliminated.[21]

Four years later the Senate resolved the question of the President pro tempore's tenure when it adopted a resolution originally introduced by Senator William M. Evarts of New York. As adopted by the Senate on March 12, 1890, the resolution read:

> *Resolved*, That it is competent for the Senate to elect a President *pro tempore*, who shall hold the office during the pleasure of the Senate and until another is elected, and shall execute the duties thereof during all future absences of the Vice-President until the Senate otherwise order.[22]

That resolution is still in effect. Under its terms a President pro tempore, once elected, holds the post continuously whether or not the Vice President is absent (although, of course, he may not preside over the Senate unless the Vice President steps down from the chair). The tenure of the President pro tempore ends upon the expiration of the term for which he was elected Senator, a precedent dating back to at least 1841. He may, of course, resign, or the Senate may elect another in his stead at its pleasure.

The Presidential Succession Act of 1947 restored the President pro tempore to the line of succession, placing him after the Vice President and Speaker of the House and ahead of the

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[18] U.S. Congress, Senate, "Election of President Pro Tempore," 44th Cong., 1st sess., S.Rept. 3 (Washington: GPO, 1876), pp. 3-5. See also, Haynes, *The Senate of the United States*, vol. 1, p. 256.

[19] Haynes, *The Senate of the United States*, vol. 1, p. 256.

[20] For example, Vice President Elbridge Gerry refused to vacate the chair in 1813 when President James Madison was seriously ill and the administration's adversaries controlled the Senate. Similarly, Vice President George M. Dallas refused to retire at the end of the special session of 1845. Furber, *Precedents Relating to the Privileges of the Senate*, p. 179. "In Mar. 1881, the casting vote of the Vice-President was necessary to secure for the Republicans the organization of the Senate. Under those circumstances their ability to elect a President pro tempore was so uncertain that Vice-President Chester A. Arthur, like Vice President Gerry in 1813, 'sat the session out;' and Congress adjourned, May 20, with no one beyond the Vice President in the line of succession .... Four years later, Vice-President Thomas A. Hendricks continued to occupy the Chair till the end of the short session, Apr. 2, thus preventing the Republicans, then in majority, from choosing a President pro tempore." Haynes, *The Senate of the United States*, vol. 1, pp. 257-258.

[21] See CRS Report RL31761, *Presidential Succession: An Overview with Analysis of Legislation Proposed in the 108th Congress*, by Thomas H. Neale.

[22] U.S. Congress, *Senate Journal*, 50th Cong., 2nd sess., p. 165. See also "President Pro Tempore of the Senate," *Congressional Record*, vol. 21 (March 12, 1890), pp. 2144-2150.

cabinet.[23] But neither the 1947 Act nor the 25th Amendment to the Constitution, which further clarifies the rule of presidential succession, has any impact on the tenure of the President pro tempore in his relationship to the Senate as the chamber's presiding officer.

Election to the Office

The usual practice of the Senate has been to elect as its President pro tempore a candidate of the majority party—almost invariably by a party line vote. Most often, that person has continued to serve in the post so long as his party remains in the majority.

On a few occasions, the majority party has experienced difficulty in electing its candidate. Late in 1881, for example, Democrats in the Senate refused to permit administration of the oath of office to several Republicans waiting to be sworn in as Senators. As a result of this, the Democrats maintained a narrow majority of the votes in the chamber and proceeded to elect one of their own, Delaware's Thomas F. Bayard, as President pro tempore. Even after the missing Republicans had been installed, the Senate remained equally divided between the two major parties. An arrangement was eventually agreed upon and an independent Senator, David Davis of Illinois, was elected to replace Bayard as President pro tempore.[24]

When the 62nd Congress convened in 1911, Republicans held a nominal majority of seats in the Senate. A faction of seven progressive Republicans, however, refused to vote for the regular Republican candidate for President pro tempore and their defection prevented election of a presiding officer. (While neither the Constitution nor the rules of the Senate explicitly exclude election of a President pro tempore by a plurality, the practice of the Senate has been to assume that a majority vote is required.) One observer noted:

> After fifteen ballots, distributed through five days, compromise became necessary to enable business to go forward. Upon motion of a Republican leader, a Democrat was unanimously elected President *pro tempore* for a single day, and thereafter for the rest of the session, ending August 26, 1912, Presidents *pro tempore* were elected for brief, designated periods, Senator [Augustus] Bacon, Democrat, alternating with four Republicans, some of whom served for but a single day. In the short session which ended that sixty-second Congress, this alternating arrangement was continued, [Augustus] Bacon, Democrat, and [Jacob] Gallinger, Republican, each serving a fortnight at a time.[25]

Practice of President Pro Tempore Being the Senator With Longest Service

Of the 13 Presidents pro tempore who have served since 1945, only one has not been the most senior Senator in his party—Senator Arthur Vandenberg of Michigan, was the second ranking Republican in the Senate at the time of his election in 1947.[26]

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[23] 61 Stat. 380.

[24] U.S. Congress, *Senate Journal*, 47th Cong., 1st sess., pp. 7, 10, 14.

[25] Haynes, *The Senate of the United States*, 1, p. 252.

[26] Arthur Capper of Kansas was the senior Republican Senator in 1947. Arthur Vandenberg, however, had been his party's choice for President pro tempore for several Congresses before the Republicans ascended to the majority in 1947. He was considered by party leaders more in the party's mainstream than Capper; and Capper, himself, was in (continued...)

Prior to 1945, while the parties had for the most part tended to put forward men with long senatorial service as candidates for President pro tempore, there were some notable exceptions. Senator George H. Moses of New Hampshire ranked only 15th among Senate Republicans when he was elected President pro tempore in 1925, and Senator Albert B. Cummins of Iowa ranked 12th when he was first chosen in 1919. In 1846, Senator David R. Atchison of Missouri was elected President pro tempore before he had completed half his first term as a Senator, and Senator Willard Saulsbury of Delaware was also still in his first term when the Senate elevated him to the post on December 14, 1916.

Even during the 19th century, the Senate sometimes elected Presidents pro tempore from among the longest serving members of the Senate. Men like Senators William P. Frye of Maine, John J. Ingalls of Kansas, Allen G. Thurman of Ohio, and Henry B. Anthony of Rhode Island held significant seniority when elected President pro tempore. That tradition continued and evolved in the 20th century, with the exceptions noted above. By the middle of the 20th century, the Senate routinely elected as its President pro tempore *the* most senior Senator of the majority party.

Senator Strom Thurmond of South Carolina is one of two Senators in the post-war era to serve at least three non-consecutive terms as President pro tem. He first served from 1981 to 1987, and then was elected again at the beginning of the104th Congress in 1995. Following the interim election of Senator Robert C. Byrd of West Virginia (the most senior Democrat) to serve at the start of the 107th Congress (from January 3, 2001 to January 20, 2001), Senator Thurmond was again elected as President pro tempore to serve beginning at noon on January 20, 2001.

The President pro tempore during the 108th and 109th Congresses was Senator Ted Stevens of Alaska. He succeeded Senator Thurmond who retired from the Senate at the end of the 107th Congress. Senator Stevens serves as President pro tem Emeritus in the 110th Congress.

Senator Robert C. Byrd, the only Senator in the modern era to serve four non-consecutive terms, was first elected President pro tempore in 1989, and served until 1995. He again served from January 3, 2001 to January 20, 2001. Senator Byrd was again elected President pro tempore in the 107th Congress on June 6, 2001, after Senator James Jeffords of Vermont left the Republican Party and became an Independent, and control of the Senate switched to the Democrats. Senator Byrd began his present, fourth non-consecutive, term when he was elected President pro tem by his colleagues on January 4, 2007, at the beginning 110th Congress.

Salary

In 1816, Congress for the first time accorded the President pro tempore a larger salary than that allotted to other Senators, but only when the office of Vice President was vacant.[27] In 1818, the law was amended so that the President pro tempore would receive additional compensation for each day he presided over the Senate, whether the office of Vice President was vacant, or the Vice President was absent.[28]

(...continued)

poor health. Interview with Donald A. Ritchie, associate historian, Senate Historical Office, October 19, 2000.

[27] 3 Stat. 257.

[28] 3 Stat. 404.

In 1845, and again in 1854, when the office of the Vice President was vacant, the Senate in each case adopted a resolution authorizing compensation for the President pro tempore that was equal to that established by law for the Vice President.[29] The practice of compensating Presidents pro tempore at the same rate as the Vice President when the vice presidency is vacant was confirmed in law on August 16, 1856.[30] In 1969, the salary of the President pro tempore was fixed at the same level as that of the majority and minority leaders of both houses.[31] When a vacancy exists in the office of the Vice President, the President pro tempore receives the salary provided the Vice President.[32]

Power, Authority, and Responsibilities of the President Pro Tempore

The President pro tempore lacks the formal institutional and political powers of the Speaker of the House—the congressional officer to whom he is often compared. Nor does he have the stature and authority of the major party leaders in the Senate, especially the majority and minority floor leaders. Nevertheless, the Constitution, public law, the chamber's rules and precedents, and Senate customs provide the President pro tempore a significant role to play in the life of the Senate.

Power and Authority as Presiding Officer

For about 10 years, from late 1823 to late 1833, Presidents pro tempore enjoyed the privilege of appointing the membership of the Senate's standing committees at the beginning of a session.[33] Several times during the later years of this period the rule was partially suspended so that the Senate could elect the President pro tempore to a chairmanship.[34] The President pro tempore also evidently appointed Senators to committees in 1838, 1843, and 1863.[35]

As a presiding officer, the powers and prerogatives of the President pro tempore historically have differed little from those of the Vice President. One notable exception involves the privilege of appointing a substitute to perform the duties of the chair. From 1820 until 1883, the Senate operated under a rule stating, in part, that "the Presiding Officer shall have the right to name a Senator to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment."[36]

[29] U.S. Congress, *Senate Journal*, 28th Cong., 2nd sess., p. 243; also, *Senate Journal*, 33rd Cong., 2nd sess., p. 31.

[30] 11 Stat. 48.

[31] 83 Stat. 107.

[32] 11 Stat. 48.

[33] Furber, *Precedents Relating to the Privileges of the Senate*, pp. 335-336; Haynes, pp. 273- 275.

[34] Henry H. Gilfrey, *Precedents: Decisions on Points of Order with Phraseology ... 1789-1913*, 62nd Cong., 3rd sess., S.Doc. 1123 (Washington: GPO., 1914), p. 268.

[35] Furber, *Precedents Relating to the Privileges of the Senate*, pp. 337, 339.

[36] U.S. Congress, *Senate Journal*, 16th Cong., 1st sess., p. 63.

That rule was subsequently amended to restrict the privilege solely to the President pro tempore.[37] Moreover, the Senate had many times previously honored the request of a President pro tempore that another Senator take his place for a day or longer, while denying the same privilege to the Vice President.[38]

In 1902, the rules were further amended to empower the President pro tempore to designate a Senator to perform the duties of the chair for an unspecified time during a vacancy in the office of Vice President.[39] Usually the President pro tempore designates members of his own party to replace him in the chair, but not always. In a notable exception, President pro tempore Carl Hayden, a Democrat, once appointed Republican Senator George D. Aiken of Vermont to preside for a day.[40]

Under the Constitution, the Vice President may cast a vote in the Senate only when the body is equally divided.[41] The question of whether a President pro tempore retained his vote while he was performing the duties of his office was clarified by a Senate resolution adopted on April 19, 1792, which declared that he retained "his right to vote upon all questions."[42]

In the modern Senate, with the exception of his authority to appoint other Senators to preside, the President pro tempore's powers as presiding officer differ little from those of the Vice-President, or any other Senator who presides over the Senate. These powers include the authority to

- recognize Senators desiring to speak, introduce bills, or offer amendments and motions to bills being debated. The presiding officer's power of recognition is much more limited than that of the House Speaker or whomever presides in the House. In the Senate, the presiding officer is required by Rule XIX to recognize the first Senator on his feet and seeking recognition.[43] By tradition, leaders and committee managers are given precedence in recognition;
- decide points of order, subject to appeal by the full Senate;
- appoint Senators to House-Senate conference committees, although this function is largely ministerial. Conferees are almost always first determined by the chairman and ranking member of the standing committee with jurisdiction over

[37] "Rule 1: Appointment of a Senator to the Chair," *Congressional Record*, vol. 15, (December 18, 1883), pp. 160-163; and "Amendment to Rule 1," Ibid., vol. 16, January 7, 1884, p. 237.

[38] For an example of the Senate's refusal to accept a direct substitution made by the Vice President, see the incident of January 11, 1847, when the Senate ignored a letter from Vice President George M. Dallas designating Senator David R. Atchison to preside for that day, defeated a resolution appointing Atchison President pro tempore, and then proceeded to elect Atchison to the post by ballot. See U.S. Congress, *Senate Journal*, 29th Cong., 2nd sess., pp. 161-164. For examples of action by the President pro tempore to appoint substitutes, see Furber, *Precedents Relating to the Privileges or the Senate*, pp. 186-188.

[39] Senate Rule I(3). The rule today reads: "The President pro tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair, including the signing of duly enrolled bills and joint resolutions but such substitution shall not extend beyond an adjournment, except by unanimous consent; and the Senator so named shall have the right to name in open session, or if absent, in writing, a Senator to perform the duties of the Chair, but not to extend beyond an adjournment, except by unanimous consent."

[40] "Designation of Acting President Pro Tempore," *Congressional Record*, vol. 112, August 23, 1966, p. 20275.

[41] U.S. Constitution, Article I, Sec. 3.

[42] U.S. Congress, *Senate Journal*, 2nd Cong., 1st sess., p. 429.

[43] Senate Rule XIX(1)(a), 108th Congress.

the measure, often in consultation with party leaders. A list of the recommended appointments is then provided to the chair;

- enforce decorum;
- administer oaths; and
- appoint members to special committees, again, after initial determinations are made by the majority and minority leaders.[44]

Position as Presidential Successor

In the earliest years of the nation, the President pro tempore was not included in the order of succession, which at first extended only as far as the Vice President. The Succession Act of 1792 designated, after the Vice President, the President pro tempore and the Speaker of the House, in that order.[45] A later statute, the Succession Act of 1886 transferred succession after the Vice President from the President pro tempore and the Speaker to the cabinet officers in the chronological order in which their departments had been created.[46] With the passage of the Succession Act of 1947, the President pro tempore was restored as a successor to the presidency after the Vice President and Speaker of the House.[47]

Although ratification of the 25th Amendment in 1967 did not supplant the order of succession established by the Presidential Succession Act of 1947, it empowered the President to nominate a Vice President whenever that office is vacant, and rendered it unlikely that the President pro tempore would become President except in the event of an unprecedented national catastrophe.[48]

Other Duties and Responsibilities

Over the years, other powers have also accrued to the President pro tempore. Many of these are formal or ministerial. Decisions are first made by each party's principal political leaders—in the Senate, the majority and minority floor leaders—and the President pro tempore's charge is to implement their decisions. These include appointments to the following positions:

- Director of the Congressional Budget Office (made jointly with the Speaker of the House);
- Senate legislative counsel and legal counsel;
- Senators to serve on trade delegations; and

[44] Details of these powers can be found in *Senate Manual Containing the Standing Rules, Orders, Laws and Resolutions Affecting the Business of the U.S. Senate*, 107th Cong., 1st sess., S.Doc. 107-1 (Washington: GPO, 2002), pp. 485, 808, 814, 828.

[45] 1 Stat. 240.

[46] 24 Stat. 1.

[47] 61 Stat 380. At the time, President Harry S. Truman argued that it was more appropriate and democratic to have popularly elected officials first in line to succeed, rather than appointed cabinet officers.

[48] CRS Report RL31761, *Presidential Succession: An Overview with Analysis of Legislation Proposed in the 108th Congress*, by Thomas H. Neale.

- certain commissions, advisory boards, and committees, such as the boards of visitors to the U.S. military academies; the American Folklife Center; and the U.S. Holocaust Memorial Council. [49]

The President pro tempore is responsible for recommending candidates to be U.S. Comptroller General, the head of the General Accounting Office (GAO). The President pro tempore jointly supervises, with a House officer selected by the Speaker, the activities of the congressional page school.[50]

Following the recommendation of the Senate majority and minority leaders, he appoints members of the Senate to the United States Delegation to the Parliamentary Assembly Conference on Security and Cooperation in Europe.[51]

Under statute, the President pro tempore also makes recommendations for membership to the Morris K. Udall Scholarship and Excellence In National Environmental Policy Foundation, and the James Madison Memorial Fellowship Program.[52] Similarly, he makes appointments to the National Commission on Social Security, the Social Security Advisory Board, the Advisory Council on Unemployment Compensation, the National Commission on Children, the Commission on International Religious Freedom, and the board of the Christopher Columbus Fellowship Foundation.[53]

The President pro tempore is authorized to receive certain reports from government offices. Examples of these include

- a report pursuant to research efforts by the Environmental Protection Agency (EPA) to prevent pollution of shellfish beds;[54]
- an annual report pursuant to a Department of Agriculture program to improve conservation and sustainable agriculture in Latin America and the Caribbean;[55] and
- an annual report on juvenile justice and delinquency prevention programs.[56]

After the President has submitted a report pursuant to the War Powers Act, the President pro tempore and the Speaker of the House have the authority to request jointly that the President convene Congress in order to consider the content of the report and to take appropriate action.[57] The President pro tempore also prepares a report pursuant to the War Powers Resolution setting

[49] For a comprehensive list of commissions to which the President pro tem makes appointments, see CRS Report RL33313, *Congressional Membership and Appointment Authority to Advisory Commissions, Boards, and Groups*, by Matthew Eric Glassman.

[50] For the above, see *Senate Manual*, 107th Cong., p. 828.

[51] 22 U.S.C. 276m.

[52] 20 U.S.C. 5603 and 20 U.S.C. 4502.

[53] 42 U.S.C. 907a, 42 U.S.C. 903, 42 U.S.C. 1108, 42 U.S.C. 1320b-9, 22 U.S.C. 6431, and 20 U.S. C. 5702.

[54] 33 U.S.C. 2407.

[55] 7 U.S.C. 1738(m).

[56] 42 U.S.C. 5617.

[57] 50 U.S.C. 1544 (a).

forth the circumstances, constitutional authority, and estimated scope and duration relating to American forces involved in foreign hostilities.[58]

The President pro tempore is a member of certain commissions, boards and committees, including

- Senate Commission on Art;
- U.S. Capitol Preservation Commission;
- commission to recommend individuals to be Architect of the Capitol; and
- congressional Joint Leadership Group.[59]

Also, the President pro tempore works with the Secretary of the Senate and the Sergeant at Arms of the Senate to ensure the enforcement of the rules governing the use of the Capitol and the Senate office buildings.[60]

For many years the President pro tempore held the "patronage book," as it was called, and had considerable influence in the distribution of patronage for positions that today are filled by professional staff. Carl Hayden of Arizona, who served as President pro tempore from 1957 to 1969, was the last President pro tempore to exercise this authority.[61]

Finally, in his history of the Senate, Senator Robert C. Byrd of West Virginia, who has served as President pro tempore four times since 1989, notes that "Because the president pro tempore stands in the line of presidential succession, he is given a direct-access telephone to the White House and would receive special evacuation assistance from Washington in the case of national emergency."[62]

Political Influence of the Office

Senator Arthur Vandenberg, who held the position from 1947 to 1949, was seen as one of the few Presidents pro tempore up to that time who exerted significant political influence. Floyd M. Riddick, a scholar of congressional procedure who later became Senate parliamentarian, wrote in 1949 that Vandenberg, who chaired the Senate Foreign Relations Committee while serving as President pro tempore, "took quite an important part in the legislative program and no doubt exerted as much influence in what was done and not done as the Speaker of the House."[63] Vandenberg, Riddick emphasized, "was firm in his rulings, of which all but one or two stood as the decision of the Senate, even though several appeals were taken; he participated in discussions of the pending legislation from the chair, perhaps to an unprecedented extent during any Congress of recent years ...."[64]

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[58] 50 U.S.C. 1543.

[59] *Senate Manual*, 107th Cong., pp., 336, 763,781,785.

[60] Byrd, *The Senate, 1789-1989*, vol. 2, p. 183.

[61] Ibid., p. 182.

[62] Ibid.

[63] Floyd M. Riddick, *The United States Congress: Organization and Procedure* (Washington: National Capitol Publishing Co., 1949), p. 67.

[64] Ibid.

More recently, Senator Richard Russell of Georgia, despite being hospitalized for much of his term as President pro tempore (1969-1971), was seen as wielding power "potentially equal" to that of Vandenberg through his chairmanships of the Appropriations Committee and its Defense Appropriations Subcommittee.[65]

Today, the degree of political influence exerted by the President pro tempore depends more on other factors in conjunction with a Senator's position as President pro tempore, than solely on election to that office. The most important of these are a Senator's position as a senior member of his party, and as a committee chairman. As the most senior Senator of the majority party, his chairmanship is likely to be significant. For example, during the years he was President pro tempore for the first time (1989-1995), Senator Byrd was also chairman of the Appropriations Committee. When the Senate switched from Republican to Democratic control on June 6, 2001, Senator Byrd was elected President pro tempore and returned to chair the Appropriations Committee. As President pro tempore, Senator Thurmond chaired the Judiciary Committee from 1981 to 1987, and from 1995 to 1999, the Armed Services Committee.[66] During his tenure as President pro tem during the 108th and 109th Congresses, Senator Ted Stevens chaired the Committee on Appropriations and the Committee on Commerce, Science, and Transportation, respectively.

As Senator Byrd has remarked, "Because of his position as a senior member of the party, and often the chairman of a key committee, the leadership regularly consults the president pro tempore as to his views on policies and actions of the party."[67]

Republicans as well as Democrats consider the President pro tempore an ex-officio member of the party leadership, including the respective caucus and conference, policy committees and steering committees. In these capacities, the President pro tempore may work closely with the party floor leader.

Offices of the Deputy President Pro Tempore, the Permanent Acting President Pro Tempore, and the President Pro Tempore Emeritus

Office of the Deputy President Pro Tempore

On January 10, 1977, the Senate adopted S.Res. 17, a resolution creating an office of Deputy President pro tempore of the Senate.[68] The office was created to honor Senator Hubert H. Humphrey, a Democratic Party stalwart, who had served as both Vice President, and a

[65] *Congressional Quarterly's Guide to Congress*, 3rd edition (Washington: Congressional Quarterly, Inc., 1982), p. 393.

[66] See S.Res. 12, adopted January 7, 1999; "Senate Resolution 12—Making Majority Party Appointments To Senate Committees for the 106th Congress," *Congressional Record*, daily edition, vol. 145, January 7, 1999, p. S45.

[67] Sen. Robert C. Byrd, "The United States Senate: The President Pro Tempore and the Vice President," *Congressional Record*, vol. 126 (May 21, 1980), p. 11910.

[68] "Establishment of the Office of Deputy President Pro Tempore of the Senate," *Congressional Record*, vol. 123, January 10, 1977, p. 457.

presidential candidate in 1968. Humphrey served in the Senate from 1949 to 1964 and from 1971 until his death in January 1978.

The resolution provided that "any Member of the Senate who has held the Office of President of the United States or Vice President of the United States shall be a Deputy President pro tempore."[69] Although the resolution did not specifically enumerate the duties and responsibilities of the new office, the Deputy President pro tempore was subsequently provided a staff,[70] given a salary increase to the level of the Majority Leader, and in the event of the absence of the Vice President and the President pro tempore, authorized to preside over the Senate and sign bills as well as resolutions without a specific authorization from the President pro tempore.[71]

Senator Humphrey served as Deputy President pro tempore from January 5, 1977 until his death on January 13, 1978.[72] The position was next filled by Senator George J. Mitchell, Democrat of Maine, who was appointed at the start of the 100th Congress. The elected President pro tempore for the 100th Congress was Senator John C. Stennis of Mississippi, the most senior Democratic Senator but in poor health. Senate leaders were concerned that Senator Stennis' poor health might prevent him from fulfilling some of the responsibilities of the office, particularly the President pro tempore's principal responsibility for presiding over the Senate. Senator Mitchell was appointed to assure that a presiding officer would be available all times.[73] Senator Mitchell served as Deputy President pro tempore from 1987 until he was elected Majority Leader for the 101st Congress on November 29, 1988.[74] The position has not been filled since that date.

Office of the Permanent Acting President Pro Tempore

In early 1963, the Senate began debate on what became the landmark Civil Rights Act of 1964. The President pro tempore at the time was Carl T. Hayden of Arizona, then 86 years old. Early in the debate, Majority Leader Michael J. (Mike) Mansfield of Montana expressed concern about Hayden's age and physical stamina during what was likely to be a long and difficult debate. In February 1963, Mansfield told a group of visitors that should a round-the-clock filibuster develop, as it eventually did, he did not want to be responsible for the elderly Hayden's demise.[75] Subsequently, in a series of resolutions introduced by Mansfield beginning in June 1963, Senator Lee W. Metcalf of Montana was named acting President pro tempore.[76] Before his designation, Metcalf was one of a regular group of Senators serving in rotation as presiding officer.

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[69] Ibid.

[70] Ibid. Staffing authority was enacted into law by P.L. 95-26, 91 Stat. 80.

[71] P.L. 95-26, 91 Stat. 79.

[72] Although the resolution establishing the Office of the Deputy President pro tempore (S.Res. 27) was approved on January 11, 1977, the effective date was January 5, 1977. "Senate Resolution 27—Electing a Deputy President Pro Tempore of the Senate," *Congressional Record*, vol. 123, January 11, 1977, p. 756.

[73] Interview with Donald A. Ritchie, associate historian, Senate Historical Office, January 2, 2001.

[74] Senator Mitchell was recommended for the position of Deputy President pro tempore by Majority Leader Robert C. Byrd. See Byrd, *The Senate 1789-1989*, vol. 2, p. 182. See also, S.Res. 90, and S.Res 91, adopted January 28, 1987, Sen. Robert C. Byrd, "Designation of A Deputy President Pro Tempore of the Senate and Designation of Senator George S. Mitchell As Deputy President Pro Tempore of The Senate," *Congressional Record*, vol. 133, January 28, 1987, pp. 2167-2168.

[75] Charles Whalen and Barbara Whalen, *The Longest Debate; A Legislative History of the 1964 Civil Rights Act* (Washington: Seven Locks Press, 1985), p. 129.

[76] See the following resolutions: S.Res. 155, adopted June 10, 1963, Senator Mike Mansfield, "Continuation of (continued...)

Mansfield chose Metcalf for several reasons. Metcalf was relatively young and vigorous; he lived in an apartment across the street from the Senate and could be called quickly to preside over late night sessions. As Mansfield's junior colleague from Montana, he was trustworthy and unlikely to rule against the majority floor leader.[77]

On February 7, 1964, the Senate approved a resolution, S.Res. 296, which authorized Senator Metcalf to be "Acting President pro tempore until otherwise ordered by the Senate." On March 31, more than two months before cloture on the civil rights bill was finally invoked, but after a strenuous period of parliamentary maneuvering, Senator Mansfield spoke on the floor of Senator Metcalf's role as presiding officer:

> The role of the Presiding Officer of the U.S. Senate has had its ups and downs in the history of this legislative body. In recent years, and more particularly in recent weeks, the Presiding Officer has assumed a position of renewed importance. The man most responsible for this new role is my distinguished colleague from Montana, Senator Metcalf.
>
> Senator Metcalf, in his role as Acting President pro tempore, brings vigor, [and] knowledge of the legislative process to a position which all too often is looked upon as a chore.[78]

Senator Metcalf served as Permanent Acting President pro tempore and presided frequently over the Senate in that capacity until his death in January 1978.[79] The office has not been filled since then.

Office of the President Pro Tempore Emeritus

In May 2001, Senator James Jeffords of Vermont changed his party affiliation from Republican to Independent, and the Senate, until then evenly divided (and operating under a series of formal and informal power sharing agreements), switched to Democratic control. On June 6, the Senate elected Robert C. Byrd, Democrat of West Virginia, to be the President pro tempore.[80] At the same time, Senator Strom Thurmond, Republican of South Carolina, who had served as President pro tempore since January 20, 2001, was elected President pro tempore Emeritus.[81]

(...continued)

Authority of Acting President Pro Tempore Beyond Adjournment of Senate Today," *Congressional Record*, vol. 109. June 10, 1963, p. 10444; S.Res. 232, adopted December 9, 1963, Senator Mike Mansfield, "Designation of Senator Metcalf As Acting President Pro Tempore During the Remainder of the Present Session of the Congress," *Congressional Record*, vol. 109, December 9, 1963, p. 23754; S.Res. 238, adopted December 20, 1963, Senator Mike Mansfield, "To Continue Authority of Acting President Pro Tempore Until Next Session of Congress," *Congressional Record*, vol. 109, December 20, 1963, pp. 25254-25255; and S.Res. 296, adopted February 7, 1964, Senator Mike Mansfield, "Designation of Senator Metcalf As Acting President Pro Tempore," *Congressional Record*, vol. 110, February 7, 1964, p. 2401.

[77] Interview with Donald A. Ritchie, associate historian, Senate Historical Office, July 28, 2000; and Whalen, *The Longest Debate*, pp. 126, 199.

[78] "Senator Metcalf—A Strong Presiding Officer," *Congressional Record*, vol. 110, March 31, 1964, p. 6609.

[79] Interview with Donald A. Ritchie, associate historian, Senate Historical Office, January 2, 2001.

[80] See S.Res. 100, adopted June 6, 2001. "Election of the Honorable Robert C. Byrd as President Pro Tempore," *Congressional Record*, daily edition, vol. 147, p. S5843.

[81] See S.Res. 103, adopted June 6, 2001. "Thanking and Electing Strom Thurmond President Pro Tempore Emeritus," *Congressional Record*, daily edition, vol. 147, p. S5844.

The practice of electing a Senator as President pro tempore Emeritus continued in the108th Congress. Senator Byrd was elected to the office on January 15, 2003.[82] Senator Ted Stevens currently serves as President pro tempore Emeritus, having been elected to the position on January 4, 2007.[83]

Table 1. Presidents Pro Tempore of the Senate, 1789-2007

Name	Party[a]	State	Congress	Date Elected
John Langdon	Pro-Admin/Anti-Admin/ R(DR)	NH	1st	April 6, 1789
Richard Henry Lee	Anti-Admin	VA	2nd	April 18, 1792
John Langdon	Pro-Admin/Anti-Admin/ R(DR)	NH	2nd	November 5, 1792
John Langdon		NH	2nd	March 1, 1793
Ralph Izard	Pro-Admin	SC	3rd	May 31, 1794
Henry Tazewell	Anti-Admin/ R(DR)	VA	3rd	February 20, 1795
Henry Tazewell		VA	4th	December 7, 1795
Samuel Livermore	Pro-Admin/F	NH	4th	May 6, 1796
William Bingham	F	PA	4th	February 16, 1797
William Bradford	Pro-Admin/F	RI	5th	July 6, 1797
Jacob Read	F	SC	5th	November 22, 1797
Theodore Sedgwick	F	MA	5th	June 27, 1789
John Laurance	F	NY	5th	December 6, 1789
James Ross	Pro-Admin/F	PA	5th	March 1, 1799
Samuel Livermore	Pro-Admin/F	NH	6th	December 22, 1799
Uriah Tracy	F	CT	6th	May 14, 1800
John E. Howard	F	MD	6th	November 21, 1800
James Hillhouse	F	CT	6th	February 28, 1801
Abraham Baldwin	R	GA	7th	December 7, 1801
Stephen R. Bradley	Anti-Admin/ R(DR)	VT	7th	December 14, 1802
Stephen R. Bradley		VT	7th	February 25, 1803
Stephen R. Bradley		VT	7th	March 2, 1803
John Brown	Anti-Admin	KY	8th	October 17, 1803
John Brown	Anti-Admin	KY	8th	January 23, 1804
Jesse Franklin	R(DR)	NC	8th	March 10, 1804
Joseph Anderson	R(DR)	TN	8th	January 15, 1805
Joseph Anderson	R(DR)	TN	8th	February 28, 1805

[82] See S.Res. 21, adopted January 15, 2003. "Thanks to the Honorable Robert C. Byrd and His Designation as President Pro Tempore Emeritus," *Congressional Record*, daily edition, vol. 149, p. S843.

[83] See S.Res. 6, adopted January 4, 2007. "Expressing the Thanks of the Senate to Senator Ted Stevens and His Designation as President Pro Tempore Emeritus," *Congressional Record*, daily edition, vol. 153, p. S6.

Name	Party[a]	State	Congress	Date Elected
Joseph Anderson	R(DR)	TN	8th	March 2, 1805
Samuel Smith	R(DR)/J	MD	9th	December 2, 1805
Samuel Smith		MD	9th	March 18, 1806
Samuel Smith		MD	9th	March 2, 1807
Samuel Smith		MD	10th	April 16, 1808
Stephen R. Bradley	Anti-Admin/ R(DR)	VT	10th	December 28, 1808
John Milledge	R(DR)	GA	10th	January 30, 1809
Andrew Gregg	R(DR)	PA	11th	June 26, 1809
John Gaillard	R(DR)/J	SC	11th	February 28, 1810
John Gaillard		SC	11th	April 17, 1810
John Pope	R(DR)	KY	11th	February 23, 1811
William H. Crawford	R(DR)	GA	12th	March 24, 1812
Joseph B. Varnum	R(DR)	MA	13th	December 6, 1813
John Gaillard	R(DR)/J	SC	13th	April 18, 1814
John Gaillard		SC	13th	November 25, 1814[b]
John Gaillard		SC	14th	[no election]
John Gaillard		SC	15th	March 6, 1817
John Gaillard		SC	15th	March 31, 1918
James Barbour	R(DR)	VA	15th	February 15, 1819
James Barbour		VA	16th	[no election]
John Gaillard	R(DR)/J	SC	16th	January 25, 1820
John Gaillard		SC	17th	February 1, 1822
John Gaillard		SC	17th	February 19, 1823
John Gaillard		SC	18th	May 21, 1824
John Gaillard		SC	19th	March 9, 1825
Nathaniel Macon	R(DR)/J	NC	19th	May 20, 1826
Nathaniel Macon		NC	19th	January 2, 1827
Nathaniel Macon		NC	19th	March 2, 1827
Samuel Smith	R(DR)/J	MD	20th	May 15, 1828
Samuel Smith		MD	21st	March 13, 1829
Samuel Smith		MD	21st	May 29, 1830
Samuel Smith		MD	21st	March 1, 1831
Littleton Tazewell	JR/J	VA	22nd	July 9, 1832
Hugh L. White	J/AJ/W	TN	22nd	December 3, 1832
Hugh L. White		TN	23rd	[no election]
George Poindexter	J/AJ	MS	23rd	June 28, 1834
John Tyler	J/AJ	VA	23rd	March 3, 1835

Name	Party[a]	State	Congress	Date Elected
William R. King	R(DR)J/D	AL	24th	July 1, 1836
William R. King		AL	24th	January 28, 1837
William R. King		AL	25th	March 7, 1837
William R. King		AL	25th	October 13, 1837
William R. King		AL	25th	July 2, 1838
William R. King		AL	25th	February 25, 1839
William R. King		AL	26th	July 3, 1840
William R. King		AL	26th	March 3, 1841
William R. King		AL	27th	March 4, 1841
Samuel Southard	R(DR)W	NJ	27th	March 11, 1841
Willie P. Mangum	J/AJ/W	NC	27th	May 31, 1842
Willie P. Mangum		NC	28th	[no election]
Ambrose H. Sevier	J/D	AR	29th	December 27, 1845[c]
David R. Atchison	D	MO	29th	August 8, 1846
David R. Atchison	D	MO	29th	January 11, 1847
David R. Atchison	D	MO	29th	March 3, 1847
David R. Atchison	D	MO	30th	February 2, 1848
David R. Atchison	D	MO	30th	June 1, 1848
David R. Atchison	D	MO	30th	June 26, 1848
David R. Atchison	D	MO	30th	July 29, 1848
David R. Atchison	D	MO	30th	December 26, 1848
David R. Atchison	D	MO	30th	March 2, 1849
David R. Atchison	D	MO	31st	March 5, 1849
David R. Atchison	D	MO	31st	March 16, 1849
William R. King	R(DR)J/D	AL	31st	May 6, 1850
William R. King		AL	31st	July 11, 1850
William R. King		AL	32nd	[no election]
David R. Atchison	D	MO	32nd	December 20, 1852
David R. Atchison	D	MO	33rd	March 4, 1853
Lewis Cass	D	MI	33rd	December 4, 1854
Jesse D. Bright	D	IN	33rd	December 5, 1854
Jesse D. Bright	D	IN	34th	June 11, 1856
Charles E. Stuart	D	MI	34th	June 9, 1856
James M. Mason	D	VA	34th	January 6, 1857
James M. Mason	D	VA	35th	March 4, 1857
Thomas J. Rusk	D	TX	35th	March 14, 1857
Benjamin Fitzpatrick	D	AL	35th	December 7, 1857

Name	Party[a]	State	Congress	Date Elected
Benjamin Fitzpatrick	D	AL	35th	March 29, 1858
Benjamin Fitzpatrick	D	AL	35th	June 14, 1858
Benjamin Fitzpatrick	D	AL	35th	January 25, 1858
Benjamin Fitzpatrick	D	AL	36th	March 9, 1859
Benjamin Fitzpatrick	D	AL	36th	December 19, 1859
Benjamin Fitzpatrick	D	AL	36th	February 20, 1860
Jesse D. Bright	D	IN	36th	June 12, 1860
Benjamin Fitzpatrick	D	AL	36th	June 26, 1860
Solomon Foot	W/OP/R	VT	36th	February 16, 1861
Solomon Foot		VT	37th	March 23, 1861
Solomon Foot		VT	37th	July 18, 1861
Solomon Foot		VT	37th	January 15, 1862
Solomon Foot		VT	37th	March 31, 1862
Solomon Foot		VT	37th	June 19, 1862
Solomon Foot		VT	37th	February 18, 1863
Solomon Foot		VT	38th	March 4, 1863
Solomon Foot		VT	38th	December 18, 1863
Solomon Foot		VT	38th	February 23, 1864
Solomon Foot		VT	38th	April 11, 1864
Daniel Clark	R	NH	38th	April 26, 1864
Daniel Clark	R	NH	38th	February 9, 1865
Lafayette S. Foster	OP/R	CT	39th	March 7, 1865
Benjamin F. Wade	W/OP/R	OH	39th	March 2, 1867
Benjamin F. Wade		OH	40th	[no election]
Henry B. Anthony	R	RI	41st	March 23, 1869
Henry B. Anthony	R	RI	41st	April 9, 1869
Henry B. Anthony	R	RI	41st	May 28, 1870
Henry B. Anthony	R	RI	41st	July 1, 1870
Henry B. Anthony	R	RI	41st	July 14, 1870
Henry B. Anthony	R	RI	42nd	March 10, 1871
Henry B. Anthony	R	RI	42nd	April 17, 1871
Henry B. Anthony	R	RI	42nd	May 23, 1871
Henry B. Anthony	R	RI	42nd	December 21, 1871
Henry B. Anthony	R	RI	42nd	February 23, 1872
Henry B. Anthony	R	RI	42nd	June 8, 1872
Henry B. Anthony	R	RI	42nd	December 4, 1872
Henry B. Anthony	R	RI	42nd	December 13, 1872

Name	Party[a]	State	Congress	Date Elected
Henry B. Anthony	R	RI	42nd	December 20, 1872
Henry B. Anthony	R	RI	42nd	January 24, 1873
Matthew H. Carpenter	R	WI	43rd	March 12, 1873
Matthew H. Carpenter	R	WI	43rd	March 26, 1873
Matthew H. Carpenter	R	WI	43rd	December 11, 1873
Matthew H. Carpenter	R	WI	43rd	December 23, 1874
Henry B. Anthony	R	RI	43rd	January 25, 1875
Henry B. Anthony	R	RI	43rd	February 15, 1875
Thomas W. Ferry	R	MI	44th	March 9, 1875
Thomas W. Ferry	R	MI	44th	March 19, 1875
Thomas W. Ferry	R	MI	44th	December 20, 1875
Thomas W. Ferry	R	MI	45th	March 5, 1877
Thomas W. Ferry	R	MI	45th	February 26, 1878
Thomas W. Ferry	R	MI	45th	April 17, 1878
Thomas W. Ferry	R	MI	45th	March 3, 1879
Allen G. Thurman	D	OH	46th	April 15, 1879
Allen G. Thurman	D	OH	46th	April 7, 1880
Allen G. Thurman	D	OH	46th	May 6, 1880
Thomas F. Bayard, Sr.	D	DE	47th	October 10, 1881
David Davis	I	IL	47th	October 13, 1881
George F. Edmunds	R	VT	47th	March 3, 1883
George F. Edmunds	R	VT	48th	January 14, 1884
John Sherman	R	OH	49th	December 7, 1885
John J. Ingalls	R	KS	49th	February 25, 1887
John J. Ingalls	R	KS	50th	[no election]
John J. Ingalls	R	KS	51st	March 7, 1889
John J. Ingalls	R	KS	51st	April 2, 1889
John J. Ingalls	R	KS	51st	February 28, 1890
John J. Ingalls	R	KS	51st	April 3, 1890[d]
Charles F. Manderson	R	NE	51st	March 2, 1891
Charles F. Manderson	R	NE	52nd	[no election]
Charles F. Manderson	R	NE	53rd	[no election]
Isham G. Harris	D	TN	53rd	March 22, 1893
Matt W. Ransom	D	NC	53rd	January 7, 1895
Isham G. Harris	D	TN	53rd	January 10, 1895
William P. Frye	R	ME	54th	February 7, 1896
William P. Frye	R	ME	55th	[no election]

Name	Party[a]	State	Congress	Date Elected
William P. Frye	R	ME	56th	[no election]
William P. Frye	R	ME	57th	March 7, 1901
William P. Frye	R	ME	58th	[no election]
William P. Frye	R	ME	59th	[no election]
William P. Frye	R	ME	60th	December 5, 1907
William P. Frye	R	ME	61st	[no election]
William P. Frye	R	ME	62nd	[no election]
Charles Curtis	R	KS	62nd	December 4, 1911
Augustus O. Bacon	D	GA	62nd	January 15, 1912
Jacob H. Gallinger	R	NH	62nd	February 12, 1912
Henry Cabot Lodge	R	MA	62nd	March 25, 1912
Frank B. Brandegee	R	CT	62nd	May 25, 1912
James P. Clarke	D	AR	63rd	March 13, 1913
James P. Clarke	D	AR	64th	December 6, 1915
Willard Saulsbury, Jr.	D	DE	64th	December 14, 1916
Willard Saulsbury, Jr.	D	DE	65th	[no election]
Albert B. Cummins	R	IA	66th	May 19, 1919
Albert B. Cummins	R	IA	67th	March 7, 1921
Albert B. Cummins	R	IA	68th	[no election]
Albert B. Cummins	R	IA	69th	[no election]
George H. Moses	R	NH	69th	March 6, 1925
George H. Moses	R	NH	70th	December 15, 1927
George H. Moses	R	NH	71st	[no election]
George H. Moses	R	NH	72nd	[no election]
Key Pittman	D	NV	73rd	March 9, 1933
Key Pittman	D	NV	74th	January 7, 1935
Key Pittman	D	NV	75th	[no election]
Key Pittman	D	NV	76th	[no election]
William H. King	D	UT	76th	November 19, 1940
Pat Harrison	D	MS	77th	January 6, 1941
Carter Glass	D	VA	77th	July 10, 1941
Carter Glass	D	VA	78th	January 5, 1943
Kenneth D. McKellar	D	TN	79th	January 6, 1945
Arthur Vandenberg	R	MI	80th	January 4, 1947
Kenneth D. McKellar	D	TN	81st	January 3, 1949
Kenneth D. McKellar	D	TN	82nd	[no election]
Styles Bridges	R	NH	83rd	January 3, 1953

Name	Party[a]	State	Congress	Date Elected
Walter F. George	D	GA	84th	January 5, 1955
Carl T. Hayden	D	AZ	85th	January 3, 1957
Carl T. Hayden	D	AZ	86th	[no election]
Carl T. Hayden	D	AZ	87th	[no election]
Carl T. Hayden	D	AZ	88th	[no election]
Carl T. Hayden	D	AZ	89th	[no election]
Carl T. Hayden	D	AZ	90th	[no election]
Richard B. Russell, Jr.	D	GA	91st	January 3, 1969
Richard B. Russell, Jr.	D	GA	92nd	[no election]
Allen J. Ellender	D	LA	92nd	January 22, 1971
James O. Eastland	D	MS	92nd	July 28, 1972
James O. Eastland	D	MS	93rd	[no election]
James O. Eastland	D	MS	94th	[no election]
James O. Eastland	D	MS	95th	[no election]
Warren G. Magnuson	D	WA	96th	January 15, 1979
Milton R. Young	R	ND	96th	December 4, 1980[e]
Strom Thurmond	ID/D/R	SC	97th	January 5, 1981
Strom Thurmond		SC	98th	[no election]
Strom Thurmond		SC	99th	[no election]
John C. Stennis	D	MS	100th	January 6, 1987
Robert C. Byrd	D	WV	101st	January 3, 1989
Robert C. Byrd	D	WV	102nd	[no election]
Robert C. Byrd	D	WV	103rd	[no election]
Strom Thurmond	R	SC	104th	January 4, 1995
Strom Thurmond	R	SC	105th	[no election]
Strom Thurmond	R	SC	106th	[no election]
Robert C. Byrd	D	WV	107th	January 3, 2001-January 20, 2001
Strom Thurmond	R	SC	107th	January 20, 2001-June 6, 2001
Robert C. Byrd	D	WV	107th	June 6, 2001-January 7, 2003
Ted Stevens	R	AK	108th	January 7, 2003
Ted Stevens	R	AK	109th	[no election]
Robert C. Byrd	D	WV	110th	January 4, 2007

Source: The principal source for this table is Robert C. Byrd, *The Senate: Its History and Practice*, 4 vols., 100th Cong., 1st sess., S. Doc. 100-20 (Washington: GPO, 1988-1994), vol. 4, pp. 647-653.

Notes: Until 1890, the Senate elected a President pro tempore whenever the Vice President was not in attendance, whether for a day, or permanently, as in the case of the Vice President's death or resignation. When the Vice President returned, the President pro tempore lost his place. Then, when the Vice President was again absent, the Senate again elected a President pro tempore, in many cases the same Senator who had been chosen before. By the standing order agreed to on March 12, 1890, the Senate declared that the President pro tempore

shall hold the office during "the pleasure of the Senate and until another is elected, and shall execute the duties thereof during all future absences of the Vice President until the Senate does otherwise order."

a. A key to party abbreviations can be found in the **Appendix**.

b. Senator John Gaillard was elected after the death of Vice President Elbridge Gerry and continued to serve throughout the 14th Congress, as there was no Vice President.

c. There was no actual election. Senator Ambrose H. Sevier was "permitted to occupy the chair for the day." Gamm and Smith differ with respect to Sevier's service. See Gamm and Smith, *Last Among Equals,* "Table 1: Presidents Pro Tempore of the Senate," p. 13.

d. As noted above, in March 1890, the Senate adopted a resolution stating that Presidents pro tempore would hold office continuously until the election of another President pro tempore, rather than being elected only for the period in which the Vice President was absent. That system has continued to the present.

e. Senator Milton R. Young was elected to serve but the single day of December 4, 1980.

Table 2. Deputy Presidents Pro Tempore of the Senate, 1977-2007

Deputy President Pro Tempore	Party-State	Congress	Dates
Hubert H. Humphrey[a]	D-MN	95th	January 5, 1977-January 13, 1978
George J. Mitchell[b]	D-ME	100th	January 28, 1987-November 29, 1988[c]

a. Pursuant to S.Res. 17, agreed to January 10, 1977, the Senate established (effective January 5, 1977) the post of Deputy President pro tempore of the Senate to be held by "any Member of the Senate who has held the Office of President of the United States or Vice President of the United States." Senator Humphrey held this position until his death on January 13, 1978. See Remarks *Congressional Record,* January 10, 1977, vol. 123, p.457.

b. On January 28, 1987, the Senate agreed to S.Res. 90, authorizing the Senate to designate a Senator to serve as Deputy President pro tempore during the 100th Congress, in addition to Senators who hold such office under the authority of S.Res. 17, 95th Congress. Accordingly, on the same date the Senate agreed to S.Res. 91, designating Senator George J. Mitchell Deputy President pro tempore. See Remarks, *Congressional Record*, January, vol. 133, p. 2149.

c. On November 29, 1988, by secret vote of the Senate Democratic Caucus, Senator Mitchell was elected Majority Leader for the 101st Congress. See "Democrats Pick Mitchell as Majority Leader, *Congressional Quarterly Almanac; 100th Congress, 2nd Session, 1988*, Washington, Congressional Quarterly, Inc., 1989, pp. 30-34.

Table 3. Permanent Acting President Pro Tempore of the Senate, 1964-2007

Congress	Name	State	Elected
88th-95th	Lee W. Metcalf[a]	Montana	February 7, 1964

Notes: This office was initially established in 1963 upon the adoption of S.Res. 232 and S.Res. 238 making Senator Metcalf Acting President pro tempore from December 9, 1963, until the meeting of the second regular session of the 88th Congress. When the position of Vice President became vacant upon the death of President John F. Kennedy, the added constitutional responsibilities imposed on then-President pro tempore Carl Hayden moved the Senate to agree on February 7, 1964 to S.Res. 296, authorizing Senator Metcalf "to perform the duties of the Chair as Acting President Pro Tempore until otherwise ordered by the Senate." Senator Metcalf continued to hold the post throughout his remaining 14 years in the Senate. See Remarks, *Congressional Record*, February 7, 1964, vol. 110, p.249.

a. Died January 12, 1978.

Table 4. Presidents Pro Tempore Emeritus of the Senate, 2001-2007

Congress	Name	State	Elected
107th	Strom Thurmond	SC	June 6, 2001[a]-January 7, 2003
108th	Robert C. Byrd	WV	January 15, 2003[b]
110th	Ted Stevens	AK	January 4, 2007[c]

a. Elected pursuant to S.Res. 103, adopted June 6, 2001. See "Thanking and Electing Strom Thurmond President Pro Tempore Emeritus," *Congressional Record*, daily edition, vol. 147, p. S5844.

b. Elected pursuant to S.Res. 21, adopted January 15, 2003. See "Thanks to the Honorable Robert C. Byrd and His Designation as President Pro Tempore Emeritus," *Congressional Record*, daily edition, vol. 149, p.S843.

c. Elected pursuant to S.Res. 6, adopted January 4, 2007. See "Expressing the Thanks of the Senate to Senator Ted Stevens and Designation as President Pro Tempore Emeritus," *Congressional Record*, daily edition, vol.153, p.S6.

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CRS Report RL31761, *Presidential Succession: An Overview with Analysis of Legislation Proposed in the 108th Congress*, by Thomas H. Neale.

Appendix. Political Party Abbreviations

Adams	Adams
Adams-Clay F	Adams-Clay Federalist
Adams-Clay R	Adams-Clay Republican
AJ	Anti-Jackson
Am	American (Know-Nothing)
Anti-Admin	Anti-Administration
C	Conservative
CRR	Crawford Republican
D	Democrat
F	Federalist
FL	Farmer-Labor
FS	Free Soil
I	Independent
ID	Independent Democrat
IR	Independent Republican
J	Jacksonian
JR	Jacksonian Republican
L	Liberty
LR	Liberal Republican
N	Nullifier
N/A	Party Unknown or No Party Affiliation
NR	National Republican
OP	Opposition
PO	Populist
PR	Progressive
Pro-Admin	Pro-Administration
R	Republican
R(DR)[a]	Jeffersonian, Jeffersonian Republican, or Democratic Republican
RA	Readjuster
S	Silver
SR	Silver Republican
U	Unionist
UU	Unconditional Unionist
W	Whig

Source: The table is derived from Robert C. Byrd, *The Senate, 1789-1989: Its History and Practice*, 4 vols., 1988-1994, 100th Cong., 1st sess., S.Doc. 100-20, (Washington: GPO, 1993), vol 4, p. xiii.

a. Although the *Biographical Directory of the American Congress* identifies the party affiliation of certain Representatives in early Congresses as Republicans, the designation "Democratic Republican" is more familiar to readers. This designation, R(DR), should not be confused with the contemporary Republican Party which did not emerge until the 1850s.

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