

CRS Report for Congress

Received through the CRS Web

Lame Duck Sessions of Congress, 74th-107th Congresses (1935-2002)

Updated August 15, 2003

Richard S. Beth and Richard C. Sachs
Specialists in American National Government
Government and Finance Division

Lame Duck Sessions of Congress, 74th - 107th Congresses (1935-2002)

Summary

A “lame duck” session of Congress occurs whenever one Congress meets after the election of its successor has taken place, but before the succeeding new Congress begins.

This report describes in brief the history of lame duck sessions of Congress since ratification of the 20th Amendment to the Constitution in 1933, which established new terms of office for Members of Congress and created the conditions under which modern lame duck sessions may be held. Before the 20th Amendment, the last regular session of every Congress always convened after its successor was elected.

Under current practice, any session of Congress held after election day in an even-numbered year, but before the following January 3, when the term of the new Congress begins, is a lame duck session. The term is commonly applied not only to a special session that might be called after *sine die* adjournment of a regular session of Congress, but also to any portion of a regular session held when Congress returns after an election.

The first lame duck session following ratification of the 20th Amendment took place after the 1940 elections. Congress held a total of 14 lame duck sessions from 1940 through 2002. In 1940 and 1942, Congress met throughout the summer and fall, sometimes in intermittent or pro forma sessions, and in 2002, Congress followed a similar schedule in late October and early November. In the intervening years, however, Congress generally took a recess of several weeks until after the November elections. Twice during this period, in 1954 and 1998, only one house reconvened in a post-election session.

Some sessions were not particularly productive, often because of political disputes and the difficulties of reaching legislative decisions in a post-election environment. In 1982 and 2002, for example, Congress returned after the November election in part to complete work on most of the regular appropriations bills. In each case, it did not complete this work and the new Congress had to enact a large continuing resolution to fund government operations for the fiscal year already in progress.

Other lame duck sessions, such as the one held in 1980, have been more productive. On that occasion, Congress approved budget resolution and reconciliation measures, five regular appropriations bills and a continuing resolution, an Alaska lands bill, a “superfund” bill, a measure extending revenue sharing, a revision of military pay and other benefits, and a bill changing the appointment power of the Senate President pro tempore.

Contents

What Makes a Lame Duck Session	1
Lame Duck Sessions in the Modern Congress	1
Meaning of “Lame Duck”	1
Lame Duck Sessions and the Sessions of Congress	1
Adjournment <i>Sine Die</i> and Lame Duck Sessions	1
Pocket Vetoes and Lame Duck Sessions	2
Special Sessions of Congress and Lame Duck Sessions	3
Lame Duck Sessions Before and After the 20 th Amendment	3
Lame Duck Sessions Since 1935	5
76 th Congress, 3 rd Session (1940-1941)	6
77 th Congress, 2 nd Session (1942)	7
78 th Congress, 2 nd Session (1944)	7
80 th Congress, 2 nd Session (1948)	8
81 st Congress, 2 nd Session (1950-1951)	8
83 rd Congress, 2 nd Session (1954)	9
91 st Congress, 2 nd Session (1970-1971)	9
93 rd Congress, 2 nd Session (1974)	10
96 th Congress, 2 nd Session (1980)	10
97 th Congress, 2 nd Session (1982)	11
103 rd Congress, 2 nd Session (1994)	12
105 th Congress, 2 nd Session (1998)	12
106 th Congress, 2 nd Session (2000)	12
107 th Congress, 2 nd Session (2002)	13

List of Tables

Table 1. Lame Duck Sessions of Congress, 74 th -107 th Congresses (1935-2002)	4
--	---

Lame Duck Sessions of Congress, 74th-107th Congresses (1935-2002)

What Makes a Lame Duck Session

A “lame duck” session of Congress is one that takes place after the election for the next Congress has been held, but before the end of the current Congress’s term. The Members in the lame duck session, therefore, are the sitting Members of the existing Congress, not the Members-elect of the new Congress.

Lame Duck Sessions in the Modern Congress. The possibility of a lame duck session of Congress in the modern sense began in 1935, when the 20th Amendment to the Constitution took effect. Under this amendment, ratified in 1933, regular sessions of Congress begin on January 3 of each year, unless Congress passes a law in the previous session changing the date. Also, the terms of Members begin and end on January 3 of odd-numbered years. Under these arrangements, any meeting of Congress between election day in an even-numbered year and the following January 3 is considered a lame duck session.

From 1935 through 2002, there were 14 lame duck sessions. The most recent occurred at the end of the 107th Congress in 2002. Later sections of this report describe each of the 14 lame duck sessions.

Meaning of “Lame Duck.” The expression “lame duck” was originally applied in 18th century Britain to bankrupt businessmen, who were considered as “lame” in the sense that their situation had left them with diminished powers. By the 1830s, the usage had been extended to officeholders whose service already had a known termination date. In current American usage, for instance, a President is considered a lame duck when he cannot run for reelection, or has declared himself not a candidate for reelection. Members of Congress who do not gain reelection are lame ducks in this sense. When a Congress that includes these Members meets in a post-election session, this session is called a lame duck session as well.

Lame Duck Sessions and the Sessions of Congress

Under the 20th Amendment to the Constitution, ratified in 1933, the terms of Members of Congress begin and end on January 3 of odd-numbered years, and regular sessions of Congress begin on January 3 of each year. Congress may alter the date for convening its next session by enacting a law.

Adjournment *Sine Die* and Lame Duck Sessions. A session of Congress ends when Congress adjourns *sine die*. The Latin phrase, literally translated as “without day,” is used to mean that Congress has adjourned without

setting a day for the next meeting of its existing session.¹ An adjournment *sine die*, therefore, means that Congress intends not to meet again until the day set by the Constitution (or by law) for its next session to convene. When Congress adjourns *sine die* in an election year, it is not scheduled to reconvene until after the term of the new Congress begins. Its reconvening will therefore begin the first session of the new Congress.

Congress could presumably adjourn *sine die* before an election, having provided by law for an additional session to convene on a date after the election but before the term of the old Congress ends. When this additional session (probably the third session of the old Congress) convenes, it would be a lame duck session. Since the 20th Amendment took effect in 1935, however, Congress has never taken this course.

Instead, Congress has sometimes recessed its existing session for a period spanning the election, and then reconvened at a date still within the constitutional term of the sitting Congress. As a result, when Congress returns from the recess, its existing session continues. The portion of this session that occurs after the election, however, is still commonly referred to as a “lame duck session.” Under these conditions, a “lame duck session” is not actually a separate session of Congress but simply a designation for the post-election portion of a regular session.

Pocket Vetoes and Lame Duck Sessions. In current practice, Congress usually adjourns *sine die* on a conditional basis. It does so by providing, in the adjournment resolution, that the leadership may call Congress back, if necessary, under certain conditions. One reason for these arrangements is to prevent the President from exercising the “pocket veto.”

The Constitution provides that if the President vetoes a bill while Congress is in session, he must return the vetoed bill to Congress, so that Congress may attempt to override the veto. If the last regular session of a Congress has adjourned *sine die*, however, the Congress that passed the bill can no longer convene to override the veto, so that the veto automatically becomes final. The Constitution provides that under these conditions, the President can prevent the bill from becoming law simply by not returning it. This action is colloquially called a “pocket veto.”

By providing its leadership with contingent authority to call it back after the adjournment of its last regular session, Congress eliminates the possibility of a pocket veto, because it eliminates the situation in which it would be unable to override a veto. If the leadership does not exercise this authority by the time the next session of Congress reconvenes pursuant to the Constitution or law, the previous adjournment becomes a *sine die* adjournment. If the authority is exercised, however, the previously existing session of Congress resumes, and the previous adjournment was not *sine die*.

If the leadership exercises authority of this sort after the contingent *sine die* adjournment of the last regular session of a Congress, the sitting Congress might very possibly reconvene, or continue meeting, after the election that chooses the

¹ In congressional usage, the phrase is almost always pronounced “sign a dye.”

membership of its successor. The post-election portion of this existing session of Congress would still be considered a lame duck session. The Speaker of the House used authority of this kind in 1998 to reconvene the chamber in a post-election session.

Special Sessions of Congress and Lame Duck Sessions. Finally, the Constitution authorizes the President also to convene Congress, “on extraordinary occasions,” by calling a special session.² If Congress convenes, pursuant to this call, after the *sine die* adjournment of the last regular session of a Congress, but before its term of office officially ends, a new session of the existing Congress begins. This course of events has not occurred since 1935.³ On the other hand, if this event occurs when an existing session is in recess, the existing session resumes. President Harry Truman took this course of action calling the 1948 special session of Congress. In either case, if the date of convening is after the election and before the term of the sitting Congress ends, the post-election meeting of Congress would be considered a lame duck session.⁴

Lame Duck Sessions Before and After the 20th Amendment

The 20th Amendment, which established the present arrangements for sessions of Congress, took full effect with the beginning of the 74th Congress in 1935. Before that time, the term of a Congress began and ended on March 4 of odd-numbered years, and regular sessions of Congress began in December of each year. As a result, each Congress, after being elected in an even-numbered year, would not first convene in session until December of the next (odd-numbered) year. It would then meet for its second regular session in December of the following (even-numbered) year, after the succeeding Congress had already been elected.

Before 1933, as a result, the last session of every Congress was a separate lame duck session, typically lasting about four months. One purpose of the 20th Amendment was to change these arrangements that routinely required every Congress to hold its last session as a lame duck session. Under the amendment, lame duck sessions sometimes still occur, but only as a result of specific actions by a sitting Congress or President. This report examines only the specific lame duck sessions that have occurred since 1935, not those that occurred routinely before this date.

The phrase “lame duck session” became established while the older arrangements were still in effect. It has persisted even though it now normally refers not to a separate session of Congress, but rather to a post-election portion of an existing session.

² Constitution, Article, II, Sec. 3.

³ In 1937 and 1939, however, President Franklin D. Roosevelt called Congress into a special second session after *sine die* adjournment of the first session. U. S. Congress, House, *Deschler’s Precedents of the United States House of Representatives*, H. Doc. 94-661, 94th Cong., 2nd sess., vol.1, by Lewis Deschler, Parliamentarian of the House, 1928-1974 (Washington: GPO, 1977), chapter 1, Sec. 2, 3.

⁴ *Ibid.*, chapter 1, Sec. 2.1.

**Table 1. Lame Duck Sessions of Congress,
74th-107th Congresses (1935-2002)**

Congress, Session, and Year	Date Pre-Election Session Ended	How Pre-Election Session Ended	Date Post-Election Session Began	Date Post-Election Session Adjourned <i>Sine Die</i>
76 th Cong., 3 rd Sess. (1940-1941)	Congress stayed in session			Jan. 3, 1941
77 th Cong., 2 nd Sess. (1942)	Congress stayed in session			Dec. 16, 1942
78 th Cong. 2 nd Sess. (1944)	Sept. 21, 1944	Recessed	Nov. 14, 1944	Dec. 19, 1944
80 th Cong., 2 nd Sess. (1948)	Aug. 7, 1948	Recessed subject to recall, or to convening on Dec. 31, 1948	Dec. 31, 1948	Dec. 31, 1948
81 st Cong., 2 nd Sess. (1950-1951)	Sept. 23, 1950	Recessed	Nov. 27, 1950	Jan. 2, 1951
83 rd Cong., 2 nd Sess. (1954)	Aug. 20, 1954	House adjourned <i>sine die</i> ; Senate recessed	Senate: Nov. 8, 1954	Senate: Dec. 2, 1954
91 st Cong., 2 nd Sess. (1970-1971)	Oct. 14, 1970	Recessed	Nov. 16, 1970	Jan. 2, 1971
93 rd Cong., 2 nd Sess. (1974)	Oct. 17, 1974	Recessed	Nov. 18, 1974	Dec. 20, 1974
96 th Cong., 2 nd Sess. (1980)	Senate: Oct. 1, House: Oct. 2, 1980	Recessed	Nov. 12, 1980	Dec. 16, 1980
97 th Cong., 2 nd Sess. (1982)	Oct. 1, 1982	Recessed	Nov. 30, 1982	Senate: Dec. 23, House: Dec. 21, 1982
103 rd Cong., 2 nd Sess. (1994)	Oct. 8, 1994	Recessed	Nov. 28, 1994	Senate: Nov. 30, House, Nov. 29, 1994
105 th Cong., 2 nd Sess. (1998)	Oct. 21, 1998	<i>Sine die</i> adjournment with contingent reconvening authority to leadership	House: Dec. 17, 1998	House: Dec. 19, 1998

Congress, Session, and Year	Date Pre-Election Session Ended	How Pre-Election Session Ended	Date Post-Election Session Began	Date Post-Election Session Adjourned <i>Sine Die</i>
106 th Cong. 2 nd Sess. (2000)	Nov. 3, 2000	Recessed	Senate: Nov. 14, 2000 House: Nov. 13, 2000	Dec. 15, 2000
107 th Cong. 2 nd Sess. (2002)	Congress stayed in session			Senate: Nov. 20, 2002 House: Nov. 22, 2002

Lame Duck Sessions Since 1935

Since the 20th Amendment came into effect in 1935, there have been 14 lame duck sessions. For each of them, the preceding table provides information on when the pre-election session of Congress ended; whether Congress, or either house, stayed in session, adjourned subject to recall, or adjourned *sine die*; the date each post-election, or “lame duck,” session began; and the date Congress adjourned the post-election session *sine die*.

Lame duck sessions were frequent during World War II and the immediate postwar years, occurring in six of eight Congresses between 1940 and 1954 (76th through 83rd). None occurred between 1955 and 1969, and there were few in the 1970s and each of the next two decades. Although there was another gap between 1983 and 1995, lame duck sessions have occurred in four of the five Congresses since then (103rd through 107th). On one occasion, in 1954, only the Senate returned, and only to consider the censure of Senator Joseph McCarthy; and once, in 1998, only the House returned, principally to consider the impeachment of President William J. Clinton.

Most lame duck sessions have been preceded by a recess for the election itself, but three Congresses continued to meet intermittently, or in *pro forma* session,⁵ during the election period before the lame duck portion of the last session: the 76th (1940), and the 107th (2002). The longest of the 14 lame duck sessions was the first of these, in 1940, which continued to meet usually every third day through the lame duck period, and did not adjourn *sine die* until January 3, 1941, when the next Congress was to convene. The shortest occurred in the 80th Congress, when both houses returned solely to close the session on December 31, 1948.

⁵ A *pro forma* session is one held only to meet constitutional requirements or other scheduling considerations, in which, accordingly, by design, no legislative business comes before the chamber. See Walter Kravitz, *Congressional Quarterly's American Congressional Dictionary*, 3rd ed. (Washington: CQ Press, 2001), p. 192.

The 76th Congress, closing on January 3, 1941, represents the latest *sine die* adjournment among the 14 lame duck sessions, followed closely by the 81st and 91st Congresses, each of which adjourned *sine die* on January 2 (1951 and 1971, respectively). The 107th Congress, in 2002, saw the earliest such adjournment, on November 22. The lame duck session of the 80th Congress on December 31, 1948, represents the latest date of reconvening among the 14 sessions. Except for years when Congress took no election recess, the earliest reconvening of both houses after an election occurred in 1980, when the 97th Congress returned on November 12. In the 83rd Congress (1954), however, the Senate alone returned on November 8.

Following are summaries of the 14 lame duck sessions held since 1935. Primary sources, including the *Congressional Record* and *Congressional Directory*, and secondary sources, including the *Congressional Quarterly Weekly Report*, *CQ Almanac*, and, for the earlier years, *The New York Times*, constituted the basis for these descriptions. Internet-based sources were also utilized.

76th Congress, 3rd Session (1940-1941)

After adjournment of its first session in 1939, the 76th Congress was called into special session by President Franklin D. Roosevelt to deal with the threat of war in Europe. Thus, the annual session that began on January 3, 1940, was the third session of the 76th Congress. It, too, was dominated by the international situation. The President requested the largest peacetime defense program to that point in American history, and, by the end of the summer, Congress had enacted \$13 billion in defense authorizations and appropriations, a military draft, income tax revisions, an excess profits tax, and related measures.

In June, July, and again in September 1940, the President offered the view that Congress need not remain in session any longer. Some congressional leaders, however, held that Congress should “stand by” in session, in case of emergency. Congress met regularly through mid-October, then limited itself to two or three meetings per week until January 3, 1941; there was no extended recess for the November 1940 elections. The session thus became the longest in history to that point.

During the lame duck period, little was undertaken; the *Congressional Record* from November 4, 1940 through January 3, 1941 covers fewer than 500 pages, and quorums were often hard to raise. The administration declined to send major new proposals (such as a defense production board, aid to Britain, new taxes, and an increase in the debt limit) to Capitol Hill until the new Congress convened. Work also was impeded because both the House and Senate had to meet in substitute quarters while their chambers in the Capitol underwent repairs. Among the more notable actions of this lame duck period were the decision to sustain the veto of a measure to limit regulatory agency powers, and the publication of a committee report on sabotage of the defense effort.

77th Congress, 2nd Session (1942)

In the wartime year of 1942, Congress again remained in session continuously through the election, adjourning *sine die* on December 16. Congress generally followed a regular schedule of daily meetings throughout the period, except near the election, when it met every third day.

Activities in the lame duck portion of the 77th Congress were affected by the knowledge that the 78th Congress, to begin in January, would contain a much narrowed Democratic majority. Congress declined to take final action to approve the Third War Powers Bill⁶ or a bill to expand the Reconstruction Finance Corporation, including an agricultural parity rider attached to the latter. Other questions left to the next Congress included comprehensive national service legislation, placing a ceiling on net personal income through the tax code, curbing the powers of regulatory agencies, and planning for censorship of communications with U.S. territories. A bill to abolish poll taxes passed the House, but fell to a filibuster in the Senate.

Congress did pass legislation to adjust overtime pay for government workers, and to provide for the military draft of 18- and 19-year-old men (although Congress deferred deciding whether to require a full year's training before sending them into combat).

By mid-December, quorums became difficult to obtain and leaders of both parties agreed that nothing further could be brought up before the start of the 78th Congress in January 1943.

78th Congress, 2nd Session (1944)

In 1944, another wartime year, Congress recessed for the national party conventions and recessed again for the elections. The latter recess began on September 21. Congress returned on November 14 and remained in session until December 19. Accordingly, 1944 marks the first instance of a separate and distinct lame duck session after ratification of the 20th Amendment.

Among the issues facing the post-election session were questions of peacetime universal military training; extension of the War Powers Act⁷ and the reciprocal trade system; a scheduled increase in Social Security taxes; and a rivers and harbors appropriations bill. Congress also debated congressional reform issues, including restructuring the committee system and increasing congressional pay. Postwar reconstruction and a renewal of domestic programs were also mentioned as possible subjects for action.

⁶ This legislation related to the conduct of World War II, and has no connection with the War Powers Act (P.L. 93-148, 87 Stat. 555, 50 U.S.C. 1541-1548) enacted in 1973 to regulate commitments of U.S. armed forces abroad.

⁷ This legislation related to the conduct of World War II, and has no connection with the contemporary War Powers Act described in the previous note.

In the end, Congress deferred several issues until the start of the 79th Congress, including universal military training, the Bretton Woods monetary agreements, the Reciprocal Trade Act, and changes to the Social Security system. Several other measures could not be completed, including a rivers and harbors bill, a Senate-passed bill making major changes in congressional procedures; and a pay increase for postal workers. However, a bill delaying the Social Security tax increase was enacted, as were a renewal of the War Powers Act and a bill increasing the congressional clerk-hire allowance. In addition, the Senate confirmed the nomination of Edward R. Stettinius as Secretary of State.

80th Congress, 2nd Session (1948)

Prior to the adjournment of a special session of Congress (July 27 to August 7) called by President Harry S Truman in the summer of 1948, Congress approved a resolution requiring the House and Senate to reconvene on December 31, 1948, unless called back before this date by congressional leaders. The leadership did not exercise this option and Congress met on December 31 to conclude formally the 80th Congress. This session, the shortest lame duck session under the 20th Amendment, met for just under an hour-and-a-half and then adjourned *sine die*.

During the brief session, both chambers approved a measure extending for 60 days the life of the Commission on Organization of the Executive Branch of Government (Hoover Commission). The Senate also extended for 30 days the life of the Special Small Business Committee, and both houses swore in new Members.

81st Congress, 2nd Session (1950-1951)

With the Korean War at a critical juncture in the fall of 1950, congressional leaders announced in late September that after the election Congress would reconvene in late November. Until November, Congress would be available to meet should the President call an emergency session. Congress recessed on September 23 and convened for the lame duck session on November 27.

As the lame duck session met, Chinese troops crossed into Korea, and General Douglas A. MacArthur warned Congress that the United Nations faced “an entirely new” war in the region. The Korean War and the possible use of atomic weapons dominated congressional attention through the session. Nevertheless, President Truman presented congressional leaders with a list of 13 proposals, including five he described as of “greatest urgency.” The five included several measures favored by congressional leaders: aid to Yugoslavia and supplemental appropriations for defense and atomic energy. The President also asked Congress to act on an excess profits tax, an extension of federal rent controls, and statehood for Hawaii and Alaska.

Congress stayed in session through the New Year. It approved the rent control extension and a \$38 million famine relief bill for Yugoslavia. In the week before the Christmas holidays, it completed work on an \$18 billion defense supplemental appropriations bill, the excess profits tax, and a civil defense program.

Efforts to obtain a vote on statehood for Alaska were abandoned after a week of intermittent Senate debate on a motion to take up the measure. The 81st Congress adjourned *sine die* on January 2, 1951, and the 82nd Congress convened the next day.

83rd Congress, 2nd Session (1954)

Prior to the 1954 congressional election, the House adjourned *sine die* on August 20, but the Senate recessed on that date and then reconvened on November 8. The Senate met for the sole purpose of considering the recommendation of a select committee to censure Senator Joseph R. McCarthy for improprieties committed in the course of his investigations into allegations of communist influence in the federal government. Made over a period of more than five years, Senator McCarthy's allegations had eventually led to investigations of McCarthy himself, and the Senate had assigned the issue to a select committee chaired by Senator Arthur V. Watkins (R-UT). This lame duck session was the first time since passage of the 20th Amendment that only one chamber returned to session after an election.

The Senate select committee submitted its censure resolution on November 9, 1954. The first count of the two-count resolution was approved on December 1, and final action was completed the following day.

Press reports speculated that the Senate might consider matters other than the McCarthy censure resolution, including a number of pending treaties and nominations, but the Senate took action only on the McCarthy censure resolution and adjourned finally on December 2.

91st Congress, 2nd Session (1970-1971)

Congressional leaders called a post-election session in 1970 for the first time in almost 20 years to complete action on a long list of major legislation including electoral reform, the Family Assistance Plan (the Nixon Administration's principal welfare reform proposal), occupational safety and health, equal rights for women, manpower training, and funds for the supersonic transport plane (SST). Seven regular appropriations bills also remained to be enacted. Congress convened the lame duck session on November 16, 1970.

Congress stayed in session until January 2, 1971, less than 24 hours before the constitutional deadline of noon on January 3, when the 92nd Congress convened. It kept largely to the agenda the congressional leadership had set before the recess in October but failed to approve many administration proposals, including the Family Assistance Plan. That bill, with other controversial measures, had been attached to a Social Security bill in the Senate. The SST received only interim funding. President Richard M. Nixon strongly criticized what he termed "major failures" of the lame duck session.

Congress did complete work on two of the seven regular appropriations bills and a measure dealing with foreign aid and foreign military sales. It also passed the Clean Air Act Amendments of 1970, which established deadlines for the reduction of certain pollutants from new automobiles, and a major housing bill, which included

a new program of federal crime insurance and created the Community Development Corporation.

President Nixon vetoed four measures during the lame duck session, including a \$9.5 billion federal manpower training and public service employment bill.

93rd Congress, 2nd Session (1974)

Delayed in the consideration of major legislation by the extraordinary events of 1973 and 1974 — the Watergate investigations, the resignation of Vice President Spiro T. Agnew, the nomination and confirmation of Gerald R. Ford to be Vice President, and the resignation of President Nixon and succession of President Ford — Congress reconvened on November 18, 1974, in an effort to clear a long list of important items.

Although congressional leaders had indicated that only the most critical bills would be considered, including approval of the nomination of Nelson A. Rockefeller to be Vice President, President Ford greeted the returning Congress with a 10-page list of legislation he wanted passed before the session expired. In the end, Congress did consider a wide range of issues before it adjourned on December 20, 1974, but its actions were not always to President Ford's liking.

The Rockefeller nomination was approved by mid-December. But Congress overrode presidential vetoes of both a vocational rehabilitation bill and a measure amending the Freedom of Information Act. Congress also approved, and the President finally signed, a bill that nullified a prior agreement giving former President Nixon control over the tapes and papers of his administration.

In other actions, Congress

- ! approved a long-delayed trade reform bill giving the President broad authority to negotiate trade agreements, act on trade barriers, and provide import relief to workers, industries, and communities;
- ! established a federal policy for research on development of non-nuclear sources of energy; and
- ! cleared legislation making continuing appropriations for federal agencies whose regular appropriations had not been enacted.

96th Congress, 2nd Session (1980)

In 1980, some observers contended that postponing final congressional action on a lengthy agenda of major issues until a post-election session would accomplish two goals: first, it would delay potentially difficult pre-election votes on budget matters, and second, it would allow incumbents extra time to campaign. However, the large Republican gains on election day were thought to complicate the prospects for a productive lame duck program, especially with such important issues as budget

reconciliation, several major appropriations bills, and landmark environmental legislation still left for consideration.

In fact, during the lame duck session, from November 12 to December 16, 1980, Congress completed action on many of the issues that had been left unfinished in the regular session, including the following:

- ! a budget resolution and a budget reconciliation measure;
- ! five regular appropriations bills, although one was subsequently vetoed; a second continuing resolution was approved to continue funding for other parts of the government;
- ! an Alaska lands bill and a “superfund” bill to help clean up chemical contamination;
- ! a measure extending general revenue sharing for three years;
- ! a measure that made disposal of low-level nuclear waste a state responsibility; and
- ! changes to military pay and benefits, and authority for the President to call 100,000 military reservists to active duty without declaring a national emergency.

97th Congress, 2nd Session (1982)

In 1982, with urging from President Ronald W. Reagan, congressional leaders called for the second session of the 97th Congress to reconvene after the congressional election. The Senate met from November 30 to December 23, 1982, and the House from November 30 to December 21. Congress recessed for the election on October 1.

In calling for Congress to return, President Reagan expressed concern that only three of 13 appropriations bills had been cleared for his signature at the time Congress recessed. Dominated by economic concerns — particularly those related to budget and deficit issues — the second session of the 97th Congress was notable for the political tension between the Republican President and Senate, on the one hand, and the Democratic House, on the other.

Congressional leaders indicated they would finish nine of 10 outstanding money bills. But by the end of December, Congress had completed only four, and needed to enact a large continuing resolution to fund remaining government operations for FY1983. Concerned about recession and rising unemployment, House Democrats added a \$5.4 billion jobs program to the continuing resolution, but agreed to remove it when the President threatened a veto.

The lame duck session was acrimonious in both chambers, but especially in the Senate, where frequent filibusters caused some all night sessions. The Senate voted on eight cloture motions in December. The most contentious filibuster came late in

the month over a measure to increase the gasoline tax. The measure was approved just two days before Christmas.

In addition to completing work on some appropriations bills and the continuing resolution, the House approved a controversial 15% pay raise for itself. An immigration reform bill, favored by the White House and the congressional leadership, stalled when opponents filed hundreds of amendments designed to slow chamber action. The leadership was eventually forced to pull the bill from the floor.

In other decisions, Congress refused to fund production and procurement of the first five MX intercontinental missiles, the first time in recent history that either house of Congress had denied a President's request to fund production of a strategic weapon. Congress also passed a long-sought nuclear waste disposal bill.

103rd Congress, 2nd Session (1994)

In 1994, Congress recessed on October 8 and then reconvened on November 28 for the sole purpose of passing a bill implementing a new General Agreement on Tariffs and Trade (GATT). Although the bill received strong support in both chambers during the regular session, opponents in the Senate had kept the measure from reaching a vote on the floor. In the short lame duck session, the House passed the bill on November 29 and the Senate on December 1. Both chambers then adjourned *sine die*.

105th Congress, 2nd Session (1998)

In 1998, both the House and Senate adjourned *sine die* on October 21, 1998. The adjournment resolution gave contingent authority not only to the bicameral leadership to reconvene Congress, but also to the Speaker to reconvene the House. This last authority was granted in anticipation of action to impeach President William J. Clinton. The House convened on December 17, 1998, to consider a resolution (H.Res. 611) for this purpose. On December 19, the House adopted Articles I and III of the impeachment resolution by votes of 228-206 and 221-212. By a vote of 228-190, the House subsequently agreed to H.Res. 614, appointing and authorizing managers for the Senate impeachment trial of President Clinton. The House then adjourned *sine die*.

In a separate matter, on December 17, 1998, the House agreed to H.Res. 612 expressing support for the men and women engaged in a military action in the Persian Gulf.

106th Congress, 2nd Session (2000)

Because final action on several appropriations bills had not been completed, Congress remained in session into the first days of November, the closest to an election that it had worked since 1942. On November 3, Congress provided for an election recess and a lame duck session by completing action on S.Con.Res. 160, authorizing the House to recess its session until November 13 and the Senate until November 14.

With the presidential election undecided, the House met on November 13 and approved H.J.Res. 125, making further continuing appropriations to fund the federal government until December 5. The Senate cleared the measure for the President the following day. Both chambers also passed H.R. 5633, District of Columbia Appropriations for FY2001, and agreed to H.Con.Res. 442, providing for a further recess until December 5.

After reconvening on December 5, Congress agreed to a series of further continuing resolutions while a final resolution of remaining appropriations was being negotiated: on December 5, H.J.Res. 126, effective until December 7; on December 7, H.J.Res. 127, effective until December 8; on December 8, H.J.Res. 128, effective until December 11; on December 11, H.J.Res. 129, effective until December 15; and on December 15, H.J.Res. 133, effective through December 21. Before recessing on December 11, the Senate unanimously consented that when H.J.Res. 129 was received from the House, the measure would automatically be deemed passed.

Finally, on December 15, both chambers completed action on FY2001 appropriations measures by agreeing to the conference report on H.R. 4577, the Consolidated Appropriations Act, 2001. Congress then adjourned *sine die* pursuant to H.Con.Res. 446. During the lame duck session, Congress also cleared the Presidential Threat Protection Act (H.R. 3048), the Striped Bass Conservation Act (H.R. 2903), and the Intelligence Authorization Act (H.R. 5630). It also sent President Clinton H.R. 2415, which included the provisions of S. 3186, the Bankruptcy Reform Act of 2000, but the President subsequently pocket vetoed this measure.

107th Congress, 2nd Session (2002)

Congress met in intermittent or *pro forma* sessions during the pre-election period, but returned to a full schedule of business on November 12, 2002, with two priorities: finish work on 11 appropriations bills and consider creation of a Homeland Security Department (HSD), a measure at the top of President Bush's legislative agenda. A bill to create the HSD (H.R. 5005) passed the House in late July, 2002, but the Senate did not act until after the election. On November 19, the Senate passed H.R. 5005, amended; a Senate amendment substituted text essentially the same as H.R. 5710 in H.R. 5005. The House agreed to the Senate amendment on November 22, completing the legislative process and President Bush signed the bill, H.R. 5710, into law (P.L. 107-296) on November 25.

However, Congress was unable to resolve its appropriations differences. On November 13, the House passed H.J.Res. 124, funding the government at FY2002 levels through January 11, 2003. The Senate agreed to the measure on November 19. H.J.Res. 124 was the fifth continuing resolution since the fiscal year began on October 1, 2002. The Defense Appropriations bill (P.L. 107-248) and the Military Construction Appropriations bill (P.L. 107-249) were the only appropriations measures completed by Congress in 2002.

In addition to the HSD, Congress completed action and the President signed into law several other measures, including the following:

- ! P.L. 107-297 (H.R. 3210) The Terrorism Risk Insurance Act of 2002;
- ! P.L. 107-295 (S.1214) Amendments to the Merchant Marine Act of 1936 to provide greater security for United States seaports;
- ! P.L. 107-789 (H.R. 4628) Intelligence agencies authorization for FY2003; and
- ! P.L. 107-772 (H.R. 4546) the Bob Stump National Defense Authorization Act for FY 2003.

Under provisions of an adjournment resolution, S.Con.Res. 160, the Senate adjourned *sine die* on November 20 and the House on November 22, 2002.