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Lame Duck Sessions of Congress, 1935-2012 (74th-112th Congresses)

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Summary

A "lame duck" session of Congress occurs whenever one Congress meets after its successor is elected, but before the term of the current Congress ends. Under present conditions, any meeting of Congress after election day in November, but before the following January 3, is a lame duck session. Prior to 1933, when the Twentieth Amendment changed the dates of the congressional term, the last regular session of Congress was always a lame duck session. Today, however, the expression is used not only for a separate session of Congress that convenes after a *sine die* adjournment, but also for any portion of a regular session that falls after an election.

A lame duck session can occur in several ways. (1) Congress has usually provided for its existing session to resume after a recess spanning the election. (In 1954, only the Senate returned in this way, while the House adjourned *sine die*.) (2) In 1940, 1942, and also most recently in 2008, 2010, and 2012, at least one house continued meeting in intermittent, or *pro forma,* sessions during the period spanning the election (in these most recent years, the Senate used this means to forestall recess appointments). (3) Congress can reconvene after an election pursuant to contingent authority granted to the leadership in a recess or adjournment resolution (the House followed this course in 1998 and 2008). Two other possibilities have not been realized: (4) Congress could set a statutory date for a new session to convene after the election, then adjourn its existing session *sine die*. (5) While Congress is in recess or *sine die* adjournment, the President could call it into extraordinary session at a date after the election.

Congress has held 19 lame duck sessions from 1940 through 2012. In these years, election breaks usually have begun by mid-October, and typically lasted between one and two months. Congress has typically reconvened in mid-November and adjourned before Christmas, so that the lame duck session lasted about a month. Yet election breaks have begun as early as August 7 or as late as November 3, and ended as early as November 7 or as late as December 31. Lame duck sessions have ended as early as November 22 and as late as January 3, and have extended over as few as one, and as many as 145, calendar days. Usually, however, each house has actually met on 8-24 days during these lame duck sessions (including *pro forma* sessions). Although between 1994 and 2006, each house met in session for fewer than 12 days, the three most recent lame duck sessions were considerably longer, lasting an average of 17 days in the House and 27 days in the Senate.

Some lame duck sessions were held largely for *pro forma* reasons (e.g., 1948), on a standby basis (1940, 1942), or to deal with a single specific matter (1954, 1994, 1998, 2008). Some deferred major matters to the next Congress (e.g., 1944, 1982, 2004), especially when the same party would have an increased majority. The President has sometimes presented an extensive agenda to a lame duck session, often with success when it was controlled by his own party (e.g., 1950, 2002, 2004), but less so under conditions of divided government, when he has often vetoed measures (e.g., 1970, 1974, 1982). In recent years, as well, most lame duck sessions have had to complete action on appropriations and the budget. In 1974, 1980, 1982, 2000, and 2004, this effort was at least partially successful, but in 1970, 2002, 2006, 2010, and 2012, a final resolution was largely left to the next Congress. This report will be updated after any additional lame duck session occurs.

Contents

What Makes a Lame Duck Session 1
Meaning of "Lame Duck" 1
Lame Duck Sessions in the Modern Congress 1
Lame Duck Sessions Before the Twentieth Amendment 2
How Lame Duck Sessions May Occur 2
Sine Die Adjournment and its Effects 3
Recess of the Session 3
Contingent Authority to Reconvene 4
Pro Forma Sessions 5
Sessions Called by the President 5
Characteristics of Lame Duck Sessions Since 1935 6
Dates and Lengths of Lame Duck Sessions and Election Breaks 6
Defining "*Pro Forma*" Sessions 7
When Lame Duck Sessions Have Occurred 7
Form of Election Break 9
Start of Election Breaks 10
Start of Lame Duck Sessions (End of Election Breaks) 11
Length of Election Breaks 12
End of Lame Duck Sessions 12
Calendar Length of Lame Duck Sessions 14
Days of Session After Election 15
Holidays During Lame Duck Sessions 17
Lame Duck Sessions Since 1935 17
76th Congress, 3rd Session (1940-1941) 17
77th Congress, 2nd Session (1942) 18
78th Congress, 2nd Session (1944) 18
80th Congress, 2nd Session (1948) 19
81st Congress, 2nd Session (1950-1951) 19
83rd Congress, 2nd Session (1954) 20
91st Congress, 2nd Session (1970-1971) 20
93rd Congress, 2nd Session (1974) 21
96th Congress, 2nd Session (1980) 21
97th Congress, 2nd Session (1982) 22
103rd Congress, 2nd Session (1994) 23
105th Congress, 2nd Session (1998) 23
106th Congress, 2nd Session (2000) 23
107th Congress, 2nd Session (2002) 23
108th Congress, 2nd Session (2004) 24
109th Congress, 2nd Session (2006) 24
110th Congress, 2nd Session (2008-2009) 25
111th Congress, 2nd Session (2010) 26
112th Congress, 2nd Session (2012-2013) 26

Tables

Table 1. Lame Duck Sessions of Congress, 1935-2012 (74th-112th Congresses) 8
Table 2. Length of Election Breaks and of Lame Duck Sessions, 1935-2012 (74th-112th Congresses) 13
Table 3. Days of Session After Election and Holiday Breaks in Lame Duck Sessions, 1935-2012 (74th-112th Congresses)..... 16

Contacts

Author Information..... 27

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 current Congress has reached the end of its constitutional term.[1] Under contemporary conditions, the constitutional term of a Congress begins on January 3 of each odd-numbered year and ends on January 3 of the next odd-numbered year. As a result, any meeting of Congress that occurs between the congressional election in November of an even-numbered year and the following January 3 is a lame duck session. The significant characteristic of a lame duck session is that its participants are the sitting Members of the existing Congress, not those who will be entitled to sit in the new Congress.

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 the impairment of their powers rendered them vulnerable, like a game bird injured by shot. 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" not only after his successor has been elected, but also whenever he cannot be, or is known not to be, a candidate for reelection.[2]

Members of Congress in similar circumstances are also considered "lame ducks." The expression may accordingly be applied to Members who are known not to be seeking re-election as well as to those who have been defeated. In particular, however, after an election of Congress, all the Members who did not gain reelection can be described as lame ducks until the term of the new Congress starts. When the previously sitting Congress, which includes these Members, meets in a post-election session, this session is called a lame duck session as well.[3]

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 Twentieth Amendment to the Constitution took effect. Under this amendment, ratified in 1933, the terms of Members begin and end on January 3 of odd-numbered years. Congress convenes in a regular session on January 3 of each year, unless in the previous session it passes a law changing the date. Under these arrangements, any meeting of Congress after election day (in November of even-numbered years), but before the following January 3, is a lame duck session.

From 1935 through 2012, there were 19 lame duck sessions. The most recent one occurred at the end of the 112th Congress in 2012. This report examines only the specific lame duck sessions that have occurred since 1935, not those that, as explained in the following section, occurred routinely before then.

[1] For general information on much of the technical terminology used in this report related to congressional sessions, see CRS Report R42977, *Sessions, Adjournments, and Recesses of Congress*, by Richard S. Beth and Jessica Tollestrup.

[2] William Safire, *Safire's Political Dictionary* (New York: Oxford University Press), pp. 378-379.

[3] See Raymond W. Smock, "Lame Duck Session," in Donald C. Bacon, Roger H. Davidson, and Morton Keller, eds., *The Encyclopedia of the United States Congress* (New York: Simon & Schuster, 1995), vol. 3, pp. 1244-1245.

Lame Duck Sessions Before the Twentieth Amendment

The Constitution originally provided that the regular sessions of Congress begin annually on the first Monday in December. In the process of initiating the government under the Constitution, it was established that the term of Congress would begin and end of March 4 of odd-numbered years.[4] As today, however, congressional elections were generally held in November of even-numbered years.

The result was that after being elected in (an even-numbered) November, a new Congress did not begin its term until the following (odd-numbered) March, and normally did not even convene its first session until the following December, 13 months after it was first elected. This session of Congress typically continued until sometime in the summer of the following (even-numbered) year. Congress would then adjourn until the time for the next regular session prescribed by the Constitution, the following (even-numbered) December.

When this session convened, however, the next Congress would already have been elected, in the intervening (even-numbered) November. Yet the term of this newly elected Congress would not begin until the following March. The Congress that convened in an even-numbered December, accordingly, could not be the newly elected one, but could only be the one already sitting. Under these arrangements, as a result, the last session of every Congress was always a lame duck session.[5] One purpose of the Twentieth Amendment was to change these arrangements that routinely required every Congress to hold its last session as a lame duck session.[6]

Sometimes a Congress would convene its first session earlier, even as early as the March commencement of its constitutional term, especially when a new President was concurrently entering office. As described in following sections, this extra session could occur pursuant either to a presidential call or a law passed by the previous Congress. This extra session would normally adjourn some time before the following (odd-numbered) December, and in that case Congress would normally reconvene, in a new session, pursuant to the constitutional mandate, when December arrived. Under these conditions the extra session became the first session of a Congress, and the first regular (December) session became its second session. The final session of the Congress, beginning in the following December, then became the third session. This final session, however, would still be a lame duck session of the old Congress, for it would convene at a time when the new Congress had already been elected in November, but had not yet begun its term of office.

How Lame Duck Sessions May Occur

Under the Twentieth Amendment, lame duck sessions can still occur, but only as a result of specific actions undertaken either by the Congress already sitting or by the President. The possible means by which a lame duck session may occur are (1) pursuant to a previously enacted

[4] See Johnny H. Killian, George A. Costello, and Kenneth R. Thomas, eds., *The Constitution of the United States of America: Analysis and Interpretation*, prepared by the Congressional Research Service, Library of Congress (Washington: GPO, 2004), p. 2089 [commentary on the Twentieth Amendment].

[5] This session, beginning in the even-numbered December, could last only last until the term of the sitting Congress expired early in the following March, when the new Congress came into office. For this reason, it was colloquially known as the "short session."

[6] See P. Orman Ray, "Lame-Duck Amendment," in Stanley I. Kutler, ed., *Dictionary of American History*, 3d ed. (New York: Scribner, 2003), vol. 5, p. 24. For more information on the adoption of the Twentieth Amendment, see Alan P. Grimes, *Democracy and the Amendments to the Constitution* (Lexington, Mass.: Lexington Books, D.C. Heath, (c) 1978), pp. 104-108.

law prescribing an additional session of Congress; (2) following a recess within a session, but spanning the election; (3) under authority granted to the leadership at the time of a contingent adjournment or recess of the session; (4) by continuing to meet, perhaps in pro forma sessions, throughout the period spanning the election; and (5) in response to a presidential proclamation calling an extraordinary session.

Although some of these methods have been used rarely and others not at all, each helps to illuminate the constitutional arrangements that make lame duck sessions possible and the conditions in which they may operate. The following sections describe each method and indicate its implications.

Sine Die Adjournment and its Effects

Although the "lame duck sessions" that have occurred before and after 1935 are both "lame duck" in the same sense, they are not "sessions" in the same sense. Formally, a session of Congress ends when Congress adjourns *sine die*.[7] The Latin phrase, literally translated as "without day," is used to mean that Congress has adjourned without setting a day for its next meeting. An adjournment *sine die,* therefore, means that Congress is not scheduled 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 meet again before the term of the new Congress begins. The next meeting, instead, will be that of the new Congress, convening pursuant to the Constitution (or to a law altering the constitutional date, if the previous Congress passed one). This meeting will therefore begin the first session of the new Congress.

The Constitution authorizes Congress to set its own adjournment date without the involvement of the President, unless the two houses cannot agree.[8] Congress therefore authorizes a *sine die* adjournment by concurrent resolution. Inasmuch as this form of measure requires adoption by both houses, but no action by the President, it permits Congress to act without involving the executive branch in the prerogatives of the legislative.

Previous to 1935, Congress would normally adjourn its previous session *sine die* sometime in advance of the November elections. When it returned for its prescribed meeting in December, accordingly, a new session began. Under these conditions, the "lame duck session" of each Congress was actually a session in its own right, numerically distinct from the previous session (or sessions) of the same Congress. Accordingly, each of the lame duck sessions that occurred routinely before 1935 was convened as a separate session of the Congress already sitting.

Congress today could achieve an equivalent result by adjourning its session *sine die* before an election, after first providing by law that an additional session of the old Congress convene on a date after the election. This additional, post-election session (probably the third session of the old Congress) would be a lame duck session in the same sense as those that occurred routinely before 1935. It would be a new, separately numbered session of the old Congress. Subsequent to the implementation of the Twentieth Amendment in 1935, however, Congress has never made use of this means of bringing about a lame duck session.

Recess of the Session

Instead, when a Congress has decided to continue meeting after an election, its usual practice has been not to adjourn *sine die*, but simply to recess its existing session for a period spanning the

[7] In congressional usage, the phrase is generally pronounced "sign a dye."

[8] U.S. Constitution, Article I, Section 3.

election, and then to reconvene at a date still within the constitutional term of the sitting Congress. Since 1935, this second means of bringing about a lame duck session has been used on 12 occasions, as detailed in **Table 1** and the section on "Means of Calling Sessions."

Congress authorizes a session recess in the same way it authorizes a *sine die* adjournment, by adopting a concurrent resolution. This form of authorization is appropriate for the purpose because the Constitution provides that "Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days.... "[9] Inasmuch as the concurrent resolution requires action by both houses, it permits each to consent to the adjournment of the other.

Unlike a *sine die* adjournment, however, a recess of the session does not terminate the existing session of Congress; it is, instead, technically an adjournment within a session. When Congress reconvenes at the conclusion of a session recess, no new session begins; instead, the previously existing session resumes. Under these conditions, the post-election meeting of Congress is not a separate, new session of the old Congress, but a continuation of its existing session (probably its second session). Nevertheless, the phrase "lame duck session" has persisted as a way of referring to any post-election meeting of the old Congress, even though it now normally does not designate a separate session of Congress, but rather refers simply to the post-election portion of an ongoing existing session.

Contingent Authority to Reconvene

The two sequences of events just discussed (a recess of an existing session and an adjournment *sine die* after providing for a new session) are not the only ones that can lead to a lame duck session. A third such course of events becomes possible if, when Congress recesses before an election, it grants contingent authority to its leadership to reconvene it, or either house, "if the public interest shall require." In the period since ratification of the Twentieth Amendment, it has become common for Congress to include this contingent authority, in some form, in concurrent resolutions providing for either a session recess or a *sine die* adjournment.

If Congress included this contingent authority in a resolution providing for a recess spanning an election, the leadership might use the authority to reconvene Congress before the scheduled expiration of the recess. It might do so either before or after the election itself, but in either case, any portion of the reconvened session that occurred after the election would be considered a lame duck session. During the time since the Twentieth Amendment took effect, however, this course of action has not been taken.

If Congress adjourns *sine die* with contingent reconvening authority, on the other hand, the *sine die* character of the adjournment becomes final only if the leadership does not exercise this authority by the time the next session of Congress is slated to convene, pursuant to either the Constitution or law. If the authority is exercised, the existing session of the old Congress resumes, and the previous adjournment turns out not to have been *sine die*. Any post-election portion of this continuation of the previous session of Congress would be considered a lame duck session.

The Speaker of the House has twice used authority of this kind to reconvene the chamber in a post-election continuation of a session that had previously been terminated by a conditional *sine die* adjournment. These lame duck sessions of the House occurred in 1998 (105th Congress) and 2008 (110th Congress).[10] No lame duck session of the Senate has been reconvened pursuant to

[9] U.S. Constitution, Article I, Section 5.

[10] "Notification of Reassembling of Congress," proceedings in the House, *Congressional Record*, vol. 144, December

authority of this kind. In 2008, the Senate implemented its lame duck session through *pro forma* sessions, as described in the following section.

Pro Forma Sessions

A fourth way in which a lame duck session can occur arises if Congress chooses not to authorize a recess spanning an election, but simply continues to meet throughout the pre-election period and afterwards. Any portion of the continuing session of Congress that takes place after the election would be considered a lame duck session.

When Congress takes this course of action, each house typically convenes only on two or three days per week during the period spanning the election, and schedules little or no business to occur during these intermittent meetings. In the absence of a formal recess, each house must convene at least intermittently in order to satisfy the constitutional requirement that neither house adjourn for more than three consecutive days without the consent of the other.[11] Inasmuch as it is known that little business will occur during these intermittent sessions, however, this arrangement permits most Members to remain in their constituencies during the campaign period preceding the election.

Sessions held under these conditions are often called *pro forma* sessions, meaning that they are held only "for the sake of formality." In this case, the formality being satisfied is the constitutional prohibition on adjourning for more than three days without consent. The question is sometimes raised whether *pro forma* sessions during which no business occurs count as meeting this constitutional requirement. The answer is that they do; the Constitution sets no conditions about the occurrence of business, but only about the occurrence of the session itself. Indeed, the reason for holding *pro forma* sessions at all is precisely that they do satisfy the formal requirement.

As **Table 1** and the accompanying discussion show, there have been six occasions since 1935 on which at least one house of Congress has implemented a break spanning the election by meeting in *pro forma* sessions rather than taking a recess. On four other occasions, at least one house recessed for a period spanning the election, but also used *pro forma* sessions to extend the effective length of the election break.

Sessions Called by the President

A final means by which a lame duck session could occur arises from the constitutional authorization for the President to convene Congress, "on extraordinary occasions," by calling a special session.[12] If Congress convenes, pursuant to this call, after a *sine die* adjournment and before the next session is scheduled to begin, a new session of the existing Congress begins. This course of events has not occurred since 1935.[13] On the other hand, if the President calls Congress back during a recess of an existing session, the existing session resumes. This course of events

17, 1998, p. 27770. See H.Con.Res. 353, 105th Cong., 112 Stat. 3699 at 3700. "Notification of Reassembly," proceedings in the House, *Congressional Record*, vol. 154, December 9, 2008, p. H10859. See H.Con.Res. 440, 110th Cong., agreed to October 3, 2008.

[11] See Walter Kravitz, *Congressional Quarterly's American Congressional Dictionary*, 3rd ed. (Washington: CQ Press, 2001), p. 192.

[12] U.S. Constitution, Article II, Section 3.

[13] In 1937 and 1939, however, President Franklin D. Roosevelt called Congress into special second sessions 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, secs. 2 and 3.

occurred in both 1947 and 1948, when President Harry Truman called Congress back for an extraordinary session in the middle of a recess, in the latter case a recess for the national political conventions.

These extraordinary sessions called by President Truman did not constitute lame duck sessions, because they both convened and recessed before the election for the following Congress. By the same means, however, a President might call an extraordinary session to convene at a date after the election and before the term of the sitting Congress ends. He could do so whether Congress had only recessed its previous session or had adjourned it *sine die*. In either case, the post-election meeting of Congress would be considered a lame duck session.[14] No lame duck session since 1935 has occurred through this means.

In the past few years, as noted in the following sections, Congress has sometimes provided for breaks in its session by using *pro forma* sessions rather than recesses. It appears to be an unsettled question whether the President could use his power to call extraordinary sessions to call Congress back during a period when it was recessing only for three or fewer days at a time between *pro forma* sessions. It does not appear that any President has attempted such action.

Characteristics of Lame Duck Sessions Since 1935

Dates and Lengths of Lame Duck Sessions and Election Breaks

Since the Twentieth Amendment became effective in 1935, there have been 19 lame duck sessions. For each of them, **Table 1** provides information on

- when the pre-election portion of the session ended;
- when the post-election, or "lame duck," portion of the session began; and
- when Congress adjourned the post-election session *sine die*.

It also shows whether, during the period spanning the election, Congress

- recessed,
- met in a series of *pro forma* sessions,
- adjourned *sine die* (and then reconvened subject to authority granted to the leadership); or
- used some combination of these procedures.

In cases when the two houses took differing actions, or took the same action on different dates, **Table 1** provides separate data for each house. Also, if the last session preceding an election break, or the session during which a sine die adjournment occurred, extended past midnight, the table reports not the calendar day on which the session convened, but that on which the adjournment actually occurred.

On the basis of these data, the following sections present some generalizations about the occurrence, form, timing, and length of the 19 lame duck sessions that have occurred since 1935, including especially mean and median starting dates, ending dates, and lengths of election breaks and lame duck sessions.[15] In these discussions, all averages for a chamber exclude from

[14] Ibid., chapter 1, sec. 2.1.

[15] The mean, or average, is the sum of the lengths of the recesses divided by the number of recesses. The median is the midpoint, from which half the recesses were longer and half shorter.

consideration the year in which the respective chamber did not return after the election (1954 for the House; 1998 for the Senate).

Defining "*Pro Forma*" Sessions

In years when Congress either (1) takes an election recess or (2) reconvenes subject to call after a conditional *sine die* adjournment, the dates on which each house begins its recess or adjournment, and the dates on which each reconvenes, are explicitly specified. Under these conditions, consequently, the beginning, end, and length of both the election recess (or conditional adjournment) and the lame duck session can be readily and unambiguously determined. When either house implements a break spanning the election by holding *pro forma* sessions, on the other hand, it is not always clear which sessions should be counted as occurring *pro forma* rather than as part of the regular session, especially because business is sometimes transacted in the course of the intermittent sessions that span the period of the election. The same ambiguity arises even more acutely when either house extends the effective length of an election break by holding one or more *pro forma* sessions, either leading up to a recess or adjournment or at the end of it.

To make meaningful comparisons among election breaks implemented in whole or part through pro forma sessions and those implemented solely through a recess or adjournment, some appropriate way must be found of distinguishing between sessions held for the purpose of conducting business and those held with the intent of providing an equivalent of a recess. Absent such a distinction, for example, the longest possible election break in a year with *pro forma* sessions would be given as three days, even if the *pro forma* sessions were evidently being held in order to permit Members to return to their constituencies for the same length of time as a recess would have allowed. Under these conditions, also, the time between the start of the lame duck session and the *sine die* adjournment would appear comparably longer than in years with the same adjournment date, but in which a recess was taken.

Resolving these difficulties of comparison requires adopting some means for identifying *pro forma* sessions that permits specifying the beginning and end of election-spanning break (and therefore also the beginning of the lame duck session) in a way best comparable with the figures given for recesses and conditional *sine die* adjournments. For this purpose, the most straightforward approach seems to be to count any session of a chamber as *pro forma* if there is no session of that chamber on either the preceding or following day. Conversely, under this criterion, all daily sessions are counted as part of the regular schedule of a chamber if another session of the same chamber occurs on the day either immediately preceding or following it. It proved necessary to modify this criterion only when the day of a *sine die* adjournment is consecutive with no other sessions, in which case it is counted as a day of regular session.

This approach provides a simple way of bringing a common perspective to the wide variety of schedules Congress has followed. It may be supported by the presumption that even if substantial business occurs during a daily session, under normal circumstances it may be difficult to ascertain why it should be isolated by at least a day from every other daily session, unless its purpose is at least in part to meet constitutional restrictions on recesses. Except as otherwise noted, accordingly, all dates and figures provided in this report use this way of specifying lame duck sessions and election breaks.

When Lame Duck Sessions Have Occurred

Lame duck sessions were frequent in the years surrounding World War II, occurring in six of eight Congresses (76th through 83rd) between 1940 and 1954. Thereafter, none occurred from 1956 through 1968. There were two in each of the next three decades, but there was also another

relatively long gap from 1984 through 1992. Beginning with 1994, however, lame duck sessions have occurred in 9 of the last 10 Congresses (103rd through 112th), including the last 8 Congresses in a row.

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.

Table 1. Lame Duck Sessions of Congress, 1935-2012 (74th-112th Congresses)

Year of Election	Congress[a]	Last Day of Consecutive Sessions Before Election[b,c]	Form of Break Spanning Election	First Day of Consecutive Sessions After Election[b,d]	*Sine Die* Adjournment[c]
1940	76th	House: Oct. 10 Senate: Oct. 15	*Pro forma* sessions	House: Nov. 18 Senate: Nov. 7	House: Jan. 2, 1941 Senate: Jan. 3, 1941
1942	77th	House: Oct. 27 Senate: Oct. 24	*Pro forma* sessions	House: Nov. 9 Senate: Nov. 12	Dec. 16
1944	78th	Sept. 21	Recess and *pro forma* sessions	Nov. 20	Dec. 19
1948	80th	Aug. 7	Recess	Dec. 31	Dec. 31
1950	81st	Sept. 23	House: Recess and *pro forma* sessions Senate: Recess	House: Nov. 30 Senate: Nov. 27	Jan. 2, 1951
1954	83rd	Aug. 20	House: Adjourned *sine die* Senate: Recess	Senate: Nov. 8	Senate: Dec. 2
1970	91st	Oct. 14	Recess	Nov. 16	Jan. 2, 1971
1974	93rd	Oct. 17	Recess	Nov. 18	Dec. 20
1980	96th	House: Oct. 2 Senate: **Oct. 2**	Recess	Nov. 12	House: **Dec. 16** Senate: Dec. 16
1982	97th	**Oct. 2**	Recess	Nov. 29	House: **Dec. 21** Senate: Dec. 23
1994	103rd	**Oct. 8**	Recess	House: Nov. 29 Senate: Nov. 30	House: Nov. 29 Senate: Dec. 1
1998	105th	Oct. 21	Adjourned *sine die*	House: Dec. 17[e]	House: Dec. 19
2000	106th	House: Nov. 3 Senate: Nov. 2	House: Recess Senate: Recess and *pro forma* sessions	House: Nov. 13 Senate: Dec. 5	Dec. 15
2002	107th	Oct. 17		Nov. 7	House: Nov. 22

			Pro forma sessions		Senate: Nov. 20
2004	108th	House: Oct. 9 Senate: Oct. 11	Recess	Nov. 16	House: Dec. 7 Senate: Dec. 8
2006	109th	**Sept. 30**	Recess and *pro forma* sessions	Nov. 13	House: **Dec. 9** Senate: Dec. 9
2008	110th	House: Oct. 3 Senate: Oct. 7	House: Adjourned *sine die* Senate: *Pro forma* sessions	House: Nov. 19[e] Senate: Nov. 19	House: Jan. 3, 2009 Senate: Jan. 2, 2009
2010	111th	House: **Sept. 30** Senate: Sept. 29	House: Recess Senate: *Pro forma* sessions	Nov. 15	Dec. 22
2012	112th	House: Sept. 21 Senate: **Sept. 22**	*Pro forma* sessions	Nov. 13	House: Jan. 3, 2013 Senate: Jan. 2, 2013

Sources: *Journals* of the House and Senate; Daily Digest of the *Congressional Record*; and *Final Calendars* of the House and Senate.

a. Second session, except 3rd session of the 76th Congress (1940).

b. For explanation of this criterion for the start and end of the break spanning the election and of the lame duck session, see "Defining "Pro Forma" Sessions" in the text.

c. The date given is the calendar day on which the specified daily session ended. **Bold face** entries indicate that this calendar day was later than that on which this daily session began.

d. If no consecutive days of session occurred during the lame duck session, the date displayed in this column is that of the *sine die* adjournment.

e. Reconvened pursuant to contingent authority granted to leadership in the adjournment resolution.

Form of Election Break

Between 1935 and 2012, the two chambers have used three means of providing for a break before a lame duck session: recesses spanning the election, *pro forma* sessions, and contingent adjournments *sine die*. While in most instances, the form of the election break was the same for both chambers, the House and Senate used different forms on four occasions. In addition, one or both chambers have used a combination of recesses spanning the election and *pro forma* sessions in four instances.[16]

After a Congress adjourns *sine die*, no lame duck session can occur unless the adjournment resolution makes the adjournment conditional by authorizing the leadership to call Congress back (or unless the President were to proclaim an extraordinary session). If Congress only recesses for the election, on the other hand, a lame duck session is certain to take place even if the recess resolution provides no authority to reconvene. In 5 of the 13 years in which election recesses occurred (1950, 1954, 1970, 1980, and 1982), Congress authorized the recess without providing authority for the leadership to reconvene before the recess was to end. In the remaining eight

[16] Although a lame duck session could be carried out as a separate session of Congress, each of 19 of the lame duck sessions since 1935 has instead occurred as the post-election portion of a regular session.

recess years (1944, 1948, 1974, 1994, 2000, 2004, 2006, and 2010), the recess resolution provided this authority, but it was not exercised.

Since 1935, recesses of both chambers spanning the election have preceded lame duck sessions in 11 instances (1944, 1948, 1950, 1970, 1974, 1980, 1982, 1994, 2000, 2004, and 2006). In one additional instance (2010), although both the House and Senate participated in a lame duck session, only the House opted to recess before the election, while the Senate engaged in *pro forma* sessions until the post election session began. Another election-spanning recess, as well, involved a lame duck session of only one chamber. In 1954, the House adjourned *sine die*, and only the Senate recessed (with no contingent reconvening authority), allowing it alone to return to deal with the censure of Senator McCarthy.

A schedule in which both houses continued to meet in *pro forma* sessions throughout the election period was used for the first two lame duck sessions after adoption of the Twentieth Amendment, which occurred in 1940 and 1942, shortly before and during World War II. Both chambers' simultaneous use of this arrangement again appeared only in 2002 and 2012. In addition, the House alone engaged in *pro forma* sessions during the election break preceding the lame duck session on one occasion shortly after World War II (1950). In contrast, the use of *pro forma* sessions prior to lame duck sessions by the Senate alone has been a more recent development, occurring in 2000, 2008, and 2010.

Pro forma sessions have also been used in conjunction with recesses spanning the election, effectively extending the election break before the lame duck session began, on a total of four occasions. In 1944 and 2006, both chambers used a combination of *pro forma* sessions and recesses for this purpose; the House alone did so in 1950, and the Senate alone in 2000.

The Senate has never convened in a lame duck session after a contingent adjournment *sine die*; both instances of this procedure have involved only the House, and in both instances the call to reconvene was expected in advance. In 1998, both chambers adjourned *sine die* with contingent reconvening authority, but only the House returned, chiefly to address the impeachment of President Clinton. In 2008, when the House was called back principally to address dislocations in the financial system, the Senate had not adjourned *sine die*, but continued to meet in *pro forma* sessions.

In addition to this 2008 instance, the House and Senate have observed different forms of election break preceding a lame duck session on three other occasions. In 1950, the House used a combination of a recess spanning the election and *pro forma* sessions prior to the start of the lame duck session while the Senate only recessed. The reverse occurred in 2000, with the Senate using *pro forma* sessions and a recess while the House only recessed. Finally, in 2010, the House recessed before the lame duck session while the Senate engaged exclusively in *pro forma* sessions during the break spanning the election.

Start of Election Breaks

Election breaks preceding lame duck sessions have most commonly begun in early to mid-October; 10 of the 19 began between September 30 and October 17. This schedule, which affords Members at least a few weeks to return to their constituencies during the campaign period, has been especially common in years when the election break occurs in the form of a recess. It was used in 7 of the 13 years when an election-spanning recess occurred, none of which, however, occurred before 1970.

In relation to this pattern, the four most recent election breaks have begun relatively early. Before 2006, election breaks that began earlier than September 30 occurred only preceding the four lame

duck sessions held from 1944 through 1954. The break in all four years, which was either constituted by or included a recess, began either earlier in September or even in August. The earliest start of any break spanning an election was August 7, 1948 (80th Congress). In this case, Congress recessed its regular session on June 20, scheduling itself to reconvene on December 31. President Truman called Congress back into extraordinary session on July 26, but Congress soon put itself back into recess. In 2006 (109th Congress), however, the last consecutive sessions of both houses before their recess was on September 30, and in 2008 (110th Congress), the House adjourned *sine die* on October 3 and the last consecutive sessions of the Senate ended on October 7. In 2010 (111th Congress), the last consecutive sessions of the Senate ended on September 29 and the House recessed for the election early in the morning the following day. The 112th Congress (2012) was the earliest to depart since the 83rd Congress (1954), when its period of *pro forma* sessions began in the House on September 21, and in the Senate on September 22.

On the other hand, some election breaks during the period since 1998, when lame duck sessions have been universal, have begun significantly later than mid-October. In 1998 (105th Congress), both chambers adjourned *sine die* on October 21 before the House was called back to consider the Clinton impeachment. Two years later (106th Congress), the election recess (extended in the Senate by *pro forma* sessions) did not begin until November 2 for the Senate and November 3 for the House. The only other election break ever to begin so late occurred in 1942, when consecutive sessions continued in the Senate until October 24 and in the House until October 27.

Start of Lame Duck Sessions (End of Election Breaks)

A recess or other form of break in session spanning the election is terminated by the reconvening of Congress for a lame duck session after the election. Lame duck sessions have most commonly convened in mid- to late November; of the 19 sessions, 12 began between November 12 and 30. This pattern has been most common in years when the lame duck session followed a recess, occurring in 9 of the 13 such years. In four other years, at least one house resumed its session earlier in November, and three of these years were ones in which the election was spanned by *pro forma* sessions in both chambers. In three years, at least one house did not reconvene until December, in two of these cases after a recess.

The latest date for both houses to reconvene after an election occurred in the 80th Congress on December 31, 1948 (which was also the day of *sine die* adjournment). The only other lame duck session to begin in December occurred when the House alone was called back after the *sine die* adjournment of Congress on December 17, 1998 (105th Congress). In 2000 (106th Congress), the Senate did not return from its recess until December 5, but the House had already done so on November 13.

Lame duck sessions have tended to begin earlier in years when Congress used *pro forma* sessions, rather than a recess, to span the election. The earliest reconvening of both houses occurred in 2002, when the 97th Congress resumed consecutive sessions on November 7, but the other examples of early starts occurred near the beginning of the historical period under discussion. In 1954 (83rd Congress), when the Senate alone returned, it did so on November 8. The Senate also resumed consecutive sessions after the election break on November 7, 1940 (76th Congress), although the House did not do so until the 18th. Conversely, the House resumed consecutive sessions on November 9, 1942 (77th Congress), although the Senate did not do so until the 12th.

The earliest reconvening after an election recess was 1980, when the 97th Congress returned on November 12. Congress also reconvened after a recess on relatively early dates in 2000 (106th Congress), when the House returned on November 13 and the Senate on November 14, and in 1944 (78th Congress), when both houses returned on November 14.

Length of Election Breaks

The first two data columns of **Table 2** display the length of election breaks for each chamber, measured in calendar days between the last day of consecutive sessions before the election and the first day of consecutive sessions thereafter. These breaks have typically lasted between one and two months. In only four years did longer intervals between the pre- and post-election session occur, and in only four years did shorter ones take place. This degree of consistency in the length of election breaks indicates that normally, when Congress left later for the break, it also tended to return later after the election, and conversely, when it left earlier it typically returned earlier.

In most years, in addition, the two chambers followed generally similar schedules. Only in the three years in which both houses spanned the election with *pro forma* sessions did the length of the break differ between the two houses by more than four days, and the differences occurred largely because of the points at which consecutive sessions occurred in the two chambers. In 1940 the break for the House was 16 days longer, in 1942 the Senate break was 6 days longer, and in 2000 the Senate break was 23 days longer.

For similar reasons, the years in which only *pro forma* sessions spanned the election are also those in which most of the shortest breaks occurred. For these years, the mean interval between periods of consecutive sessions was 30 days in the House and 33 days in the Senate. For years with recesses or conditional *sine die* adjournments, by contrast, the mean was 49 days in the House and 59 in the Senate. Specifically, the interval between periods of consecutive sessions in 1940 (76th Congress) was 22 days in the Senate (but 38 in the House); in 1942 (77th Congress), it was 12 days in the House and 18 in the Senate; and in 2002 (107th Congress), it was 20 days in both chambers. In 2008, only the Senate made use of *pro forma* sessions to span its break of 42 days, while the House reconvened 46 days after a contingent *sine die* adjournment. The only other notably short break occurred in 2000 (106th Congress), in this case apparently because Congress did not recess for the election until early November, so that the House could return after 9 days, although the Senate did not come back until after 32 days, in early December.

For the House, the median length of the election break has been 44 days; for the Senate, it has been 42 days. The mean length is greater for both chambers (House: 47 days; Senate: 48 days), because it is affected by the unusually long recess of 145 days between August 7 and the *sine die* adjournment on December 31 in 1948 (80th Congress).[17] Excluding this instance, nearly twice as long as any other, the mean length of election breaks is 41 days for the House and 42 for the Senate. The only two other election breaks longer than 60 days also occurred in earlier years. The recess before the Senate alone returned in 1948 (83rd Congress) lasted 79 days, and in 1950 (81st Congress), the House recessed for 67 days and the Senate for 64.

End of Lame Duck Sessions

Lame duck sessions have most often finally adjourned *sine die* in about mid-December, or at least before Christmas. The average date has been December 20 for the House, December 19 for the Senate. Two of the three most recent Congresses with lame duck sessions adjourned *sine die* on some of the latest days during this period. In both the 110th (2008) and 112th (2012) Congresses, the Senate adjourned *sine die* on January 2, 2009, and the House on January 3. Prior to this recent period, in the 76th Congress, the House adjourned on January 2, and the Senate on January 3. Other late terminations occurred in the 81st and 91st Congresses, both of which adjourned *sine die*

[17] The mean, or average, is the sum of the lengths of the recesses divided by the number of recesses. The median is the midpoint, from which half the recesses were longer and half shorter.

on January 2 (1951 and 1971, respectively), and, as already noted, in the 80th Congress, when both houses adjourned *sine die* on December 31, 1948, after a one-day lame duck session.

Table 2. Length of Election Breaks and of Lame Duck Sessions, 1935-2012 (74th-112th Congresses)

Year of Election	Congress	Length in Calendar Days of Break Spanning Election[a]		Length in Calendar Days of Lame Duck Session[b]	
		House	Senate	House	Senate
1940	76th	38	22	46	58
1942	77th	12	18	38	35
1944	78th	59	59	30	30
1948	80th	145	145	1	1
1950	81st	67	64	34	37
1954	83rd	—	79	—	25
1970	91st	32	32	48	48
1974	93rd	31	31	33	33
1980	96th	40	40	35	35
1982	97th	57	57	23	25
1994	103rd	51	52	1	2
1998	105th	56	—	2	—
2000	106th	9	32	37	11
2002	107th	20	20	16	14
2004	108th	37	35	22	23
2006	109th	43	43	27	27
2008	110th	46	42	46	45
2010	111th	45	46	38	38
2012	112th	51	50	52	51

Source: Table 1.

a. Includes all calendar days between the last day of consecutive sessions before the election and the first day of consecutive sessions after the election.

b. Includes all calendar days from the first day of consecutive sessions after the election through final *sine die* adjournment.

The earliest end of a lame duck session occurred in 2002 (107th Congress), when the House adjourned *sine die* on November 22, the Senate having done so two days earlier. Other relatively early conclusions occurred in 1994 (103rd Congress), when the House adjourned on November 29 and the Senate on December 1, and in 1954 (83rd Congress), when the Senate (being the only chamber that had reconvened) adjourned on December 2. In recent years, the 109th Congress adjourned *sine die* on December 9, 2004.

Calendar Length of Lame Duck Sessions

From the beginning of consecutive sessions after an election to a final sine die adjournment of Congress, lame duck sessions have typically lasted about a month, as shown by the last two columns of **Table 2**. The mean length of the 18 House lame duck sessions since 1935 has been 29 calendar days and the median 38 calendar days; the mean length of the 18 Senate lame duck sessions has been 30 calendar days and the median 31 calendar days.[18] In 12 of the 19 total lame duck sessions, at least one chamber has remained in session for between 16 and 38 days.

As has been the case with election breaks, the two houses have almost always followed similar schedules for the lame duck session itself. Among the 17 lame duck sessions in which both houses returned, only two exhibit a difference in length between the two houses of more than three days. In the two exceptional cases, however, the difference between the houses was marked. In 1940 (76th Congress), the Senate remained in session for 58 days, but the House adjourned *sine die* after 46 days. In this instance, however, both houses remained in *pro forma* sessions throughout much of the post-election period, so that the difference in length depends largely on when each house held its first consecutive sessions after the election. In 2000 (106th Congress), the House returned earlier than the Senate from its election recess and remained in session for 37 days, whereas the Senate adjourned *sine die* after but 11 days. In this case the major task of the session was the completion of action on appropriations bills, and the House was the focus of the major conflicts over the matter.

Lame duck sessions between 1980 and 2006 tended to be shorter than those that occurred either before or since. Among the nine lame duck sessions from 1940 through 1980, only two were shorter than 30 days: the one-day session of the 80th Congress (1948) and the session of the Senate alone to address the censure of Senator McCarthy in the 83rd Congress (1948), which lasted 25 days. Among the seven lame duck sessions from 1982 through 2006, by contrast, only one exceeded 27 days in length. The three most recent lame duck sessions, however, may indicate an emerging trend toward greater length. In 2008 (110th Congress), the House remained in session for 46 calendar days and the Senate for 45; in 2010 (111th Congress), both chambers remained in session for 38 days; and in 2012 (112th Congress), the House remained in session for 52 days, while the Senate remained in session for 51 days.

The longest of all lame duck sessions since the Twentieth Amendment took effect has been the first (76th Congress), when both houses remained in session between November 7, 1940, and January 3, 1941, although they each met usually only every third day. Inasmuch as this session included essentially the entire time between election day and the expiration of the constitutional term of the Congress, it approaches the theoretical maximum length. A longer lame duck session could occur only in a year when election day was earlier.

Only three other lame duck sessions have lasted more than 38 days. Two were those, just mentioned, which occurred in the 110th and 112th Congress, when economic recovery and budgetary issues were the principal object of attention. The other occurred in the 91st Congress

[18] Ibid.

(1970), when the lame duck session continued for 48 calendar days, working not only on appropriations but also on major elements of President Nixon's legislative program.

The shortest lame duck sessions have, in general, been those held for special or limited purposes, including the two occasions on which only one house returned. The shortest of all, of course, was that of the 80th Congress (1948), when both houses returned solely to close the session on December 31, 1948. In 1994, when the 103rd Congress implemented the new General Agreement on Tariffs and Trade (GATT), the Senate met for just two days and the House for but one. In the 105th Congress (1998), the House alone returned for only two days to address the impeachment of President Clinton. Except for these three instances, no lame duck session of either chamber has lasted for fewer than 11 days. The fourth lame duck session with a limited agenda lasted somewhat longer, as the Senate alone considered the McCarthy censure for 25 days in 1954 (83rd Congress).

Days of Session After Election

Using periods of consecutive session to identify the beginnings of lame duck sessions has the advantage of affording some uniform basis for comparison between years in which *pro forma* sessions were used and other years. In some respects, however, comparisons in terms of calendar days counted in this way may be misleading. Part of the reason is that some Congresses have used *pro forma* sessions not only to effect the break spanning the election, but also in the course of the lame duck session itself. In addition, some lame duck sessions have contained internal recesses, authorized by concurrent resolution. The two houses have used both these means, for example, to create breaks in session for the Thanksgiving and Christmas holidays.

In some respects, as a result, the extent of activity of a lame duck session may be better stated in terms of the number of actual daily sessions held after the election, rather than in calendar days between convening and adjourning. This way of counting includes not only those *pro forma* sessions that occurred after each chamber resumed consecutive sessions after the election, but all sessions held between the election day and the *sine die* adjournment, whether consecutive or not. **Table 3** presents these figures, together with an identification of the holiday arrangements made in each lame duck session.

The pattern of lame duck sessions revealed by this approach does not differ radically from that in terms of calendar days, but shows less variation among years. In years with lame duck sessions, the House held a mean of 15 sessions after the election; the Senate a mean of 18. In all but 6 of the 19 lame duck sessions, each chamber convened on at least 5 and no more than 24 days. The three shorter sessions include those with limited agendas already discussed (1948, 1994, and 1998). The first longer session was that of 1970, when much of President Nixon's initial legislative agenda remained at issue. The other longer sessions occurred in 2010 and 2012, both of which addressed chiefly fiscal and budgetary issues.

Table 3. Days of Session After Election and Holiday Breaks in Lame Duck Sessions, 1935-2012 (74th-112th Congresses)

Year of Election	Congress	Days of Session[a]		Form of Break[b]	
		House	Senate	Thanksgiving	Christmas
1940	76th	20	21	*Pro forma* sessions	*Pro forma* sessions
1942	77th	20	21	*Pro forma* sessions	[After adjournment]
1944	78th	24	24	*Pro forma* sessions	[After adjournment]
1948	80th	1	1	[Before convening]	[Before convening]
1950	81st	22	24	[Before convening]	*Pro forma* sessions
1954	83rd	—	13	Recess (Senate)	[After adjournment (Senate)]
1970	91st	28	31	Recess	Recess
1974	93rd	18	22	Recess	[After adjournment]
1980	96th	20	23	Recess	[After adjournment]
1982	97th	19	20	[Before convening]	[After adjournment]
1994	103rd	1	2	[Before convening]	[After adjournment]
1998	105th	3	—	[Before convening (House)]	[After adjournment (House)]
2000	106th	11	8	Recess	[After adjournment]
2002	107th	8	9	[After adjournment]	[After adjournment]
2004	108th	8	9	Recess	[After adjournment]
2006	109th	9	11	Recess	[After adjournment]
2008	110th	5	22	Recess (House) *Pro forma* sessions (Senate)	Recess (House) *Pro forma* sessions (Senate)
2010	111th	19	29	Recess	[After adjournment]
2012	112th	28	30	Recess	*Pro forma* sessions

Sources: *Journals* of the House and Senate; Daily Digest of the *Congressional Record*; and *Final Calendars* of the House and Senate.

a. Includes all days on which the chamber was actually in session, including *pro forma* sessions, between election day and the expiration of the term of the Congress.

b. Entries for holidays that fell before a lame duck session convened (or resumed consecutive sessions) or after it reached a final *sine die* adjournment are shown in [brackets].

Measured by days of session as well as by calendar days, after lame duck sessions started to become routine, they tended to be brief. In the six lame duck sessions starting in 1994, the House convened on a mean of seven days and the Senate on a mean of eight days. In contrast, the three most recent lame duck sessions were convened for a mean of 17 days in the House and 27 days in the Senate.

In the 2008 session, the House convened on 5 days and the Senate on 22. The unusual frequency of the Senate's post-election sessions is accounted for by its use of *pro forma* sessions as a means of avoiding recesses or adjournments, so as to limit the opportunity for President Bush to make recess appointments. The Senate actually transacted business only on approximately as many days as did the House. From this perspective the 2008 lame duck session might be viewed as

another example of a lame duck session with a limited agenda (of addressing dislocations in the financial system) that was consequently unusually brief.

During the 2010 lame duck session, the House convened on 19 days and the Senate on 29. In contrast to the 2008 session, however, the Senate transacted business on all but four days of session. The high number of days in session for both the House and the Senate was due in part to the prolonged negotiations over appropriations and extending certain revenue provisions that occurred at that time.

For the most recent lame duck session, in 2012, the House convened on 28 days and the Senate on 30. Business was transacted on 19 of those 28 days in the House and 27 of those 30 days in the Senate.

Holidays During Lame Duck Sessions

The information in **Table 3** on the forms taken by breaks for holidays within lame duck sessions shows that in all but six instances, Congress has reached a final adjournment *sine die* before Christmas. In all but five years of lame duck session, on the other hand, Congress has reconvened (or resumed consecutive sessions) before Thanksgiving. On none of the 17 occasions on which a lame duck session has been in progress for one or both chambers at the time of either holiday did Congress meet on that holiday. Through 1950, it was the practice of both houses to schedule one or more *pro forma* sessions in the period spanning the holiday; thereafter, both houses almost always have recessed over the holiday. Only in 2008 did each house adopt a different practice, when the House recessed over Thanksgiving and again over Christmas, while the Senate remained in *pro forma* sessions, in order, as explained in the previous section, to forestall presidential recess appointments. In 2012, both chambers recessed for Thanksgiving, but engaged in *pro forma* sessions over the Christmas holiday.

Lame Duck Sessions Since 1935

Following are summaries of the 19 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 used.

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

After the first session of the 76th Congress adjourned in August 1939, President Franklin D. Roosevelt called Congress into extraordinary session in September to deal with the threat of war in Europe, and this session lasted into November. 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 following the election, 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 77th Congress would convene in January. 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 Bill[19] 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 measure to abolish poll taxes passed the House, but came to no resolution because of 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)

Two years later, with World War II still in progress, Congress recessed for the national party conventions and recessed again for the elections. The latter recess began on September 21, 1944. Congress returned on November 14 and remained in session until December 19. Accordingly, 1944 marks the first instance after ratification of the Twentieth Amendment of a separate and distinct meeting of Congress during its lame duck period.

Among the issues facing the post-election session were questions of peacetime universal military training; extension of the War Powers Act[20] 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

[19] This legislation related to the conduct of World War II, and has no connection with the War Powers Resolution (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.

[20] Like the measure referred to in the previous note, this legislation related to the conduct of World War II, and has no connection with the contemporary War Powers Resolution.

congressional pay. Postwar reconstruction and a renewal of domestic programs were also mentioned as possible subjects for action.

Ultimately, 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. A bill delaying the Social Security tax increase was enacted, however, 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)

Congress recessed in August 1948, before the national party conventions, with the intention of returning only on December 31 to bring the 80th Congress to a formal conclusion, unless earlier called back by congressional leaders. During the convention recess, however, President Harry S. Truman called Congress back in extraordinary session to deal with a series of legislative priorities he considered urgent. This occurrence represents the only time since the adoption of the Twentieth Amendment that the President has convened Congress in an extraordinary session.

Congress met pursuant to this call from July 27 to August 7, but then recessed again under the same terms as before. The leadership did not exercise its option to reconvene Congress during this new recess, and Congress met again only on December 31. This session, the shortest lame duck session under the Twentieth Amendment, met for just under an hour and a half, 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 elected or appointed to full unexpired terms.

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 18 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.[21]

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

[21] See "Congress Returns, Faces 'New War,'" *Congressional Quarterly Weekly Report*, vol. 8, week ending December 1, 1950, p. 1305.

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. This lame duck session was the first time since passage of the Twentieth 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 more than 16 years to complete action on a list of pending 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,[22] 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.

[22] "Much Unfinished Business Faces 'Lame Duck' Session," *Congressional Quarterly Weekly Report*, vol. 28, October 23, 1970, pp. 2638-2639; "Nixon Support to be Targeted in Lame Duck Session," *Congressional Quarterly Weekly Report*, vol. 28, November 13, 1970, pp. 2783-2785.

President Nixon vetoed four measures during the lame duck session, including a $9.5 billion federal manpower training and public service employment bill. Congress did not override any of these vetoes.

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.[23] 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 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. The large Republican gains on election day were thought to complicate the prospects for a productive lame duck program, however, 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;

[23] U.S. President (Ford), "Repeating Desire of the President of the United States for Partnership with the Congress—Message from the President of the United States (H.Doc. No. 93-334)," *Congressional Record*, vol. 120, November 18, 1974, pp. 36274-36278. See "Congress Gets Ford Request, Overrides Vetoes," *Congressional Quarterly Weekly Report*, vol. 32, November 23, 1974, pp. 3151-3152.

- 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.[24] 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 3 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 9 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.

[24] Dale Tate, "Reagan Requests Lame-Duck Session on '83 Spending Bills," *Congressional Quarterly Weekly Report*, vol. 40, September 18, 1982, p. 2337.

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 (H.Con.Res. 353) gave contingent authority not only to the bicameral leadership to reconvene Congress, but also to the Speaker to reconvene the House alone. This last authority was granted in anticipation of action to impeach President William J. Clinton. Pursuant to this authority, the House convened on December 17, 1998, to consider a resolution of impeachment (H.Res. 611). On December 19, the House adopted Articles I and III of the resolution by votes of 228-206 and 221-212. It then, by a vote of 228-190, adopted a resolution appointing and authorizing House managers for the Senate impeachment trial. The House then adjourned *sine die*.

On December 17, 1998, the House agreed, as well, to a resolution 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 adopted S.Con.Res. 160, authorizing recesses of the House until November 13 and the Senate until November 14. When the two houses returned, with the presidential election undecided, they approved a short-term continuing resolution and the District of Columbia Appropriations Act, and then agreed to a further recess until December 5.

After reconvening on December 5, Congress agreed to a series of five short-term continuing resolutions while final decisions on the remaining appropriations were being negotiated. During this sequence of events, the Senate recessed on December 11 after providing, by unanimous consent, that when the fourth in this series of continuing resolutions was received from the House, it would automatically be deemed passed in the Senate. Finally, on December 15, both chambers completed action on FY2001 appropriations measures by agreeing to the conference report on the omnibus appropriations bill. Congress then adjourned *sine die* pursuant to H.Con.Res. 446.

During the lame duck session, Congress also cleared the Presidential Threat Protection Act, the Striped Bass Conservation Act, and the Intelligence Authorization Act. It also sent President Clinton a bankruptcy reform measure, which the President subsequently pocket vetoed.

107th Congress, 2nd Session (2002)

Congress met intermittently in *pro forma* sessions during the pre-election period in 2002, but returned to a full schedule of business on November 12 with two priorities: finish work on 11 appropriations bills and consider creation of a Department of Homeland Security (DHS), the latter being a measure at the top of President George W. Bush's legislative agenda. A bill to create

the DHS had passed the House in late July 2002, but the Senate did not act until after the election. The Senate passed a similar version of the measure on November 19, and the House agreed to the Senate amendment on November 22. President George W. Bush signed the bill into law on November 25.

Congress, however, was unable to resolve its appropriations differences. The House passed the fifth in a series of continuing resolutions on November 13, and the Senate agreed to the measure on November 19. This measure funded the government at FY2002 levels through January 11, 2003. The Defense Appropriations bill and Military Construction Appropriations bill were the only appropriations measures completed by Congress in 2002.

In addition to the DHS, Congress completed action on, and the President signed into law, several other significant measures, including the Defense Authorization Act, the Intelligence Authorization Act, and measures regulating terrorism insurance and seaport security. The Senate adjourned *sine die* on November 20 and the House on November 22, 2002.

108th Congress, 2nd Session (2004)

A lame duck session was considered necessary in 2004 because many appropriation bills had not yet even received Senate action and Congress had not cleared an increase in the debt limit. Conferees also had reached no agreement over legislation to consolidate intelligence activities under a new national director, as recommended by the 9/11 Commission.

The post-election environment was viewed as favorable to action on an omnibus appropriations measure, inasmuch as it would facilitate adherence to caps on domestic discretionary spending, on which the Administration insisted. The Administration also sought the elimination of many authorizing provisions. Congress initially cleared the omnibus measure on November 20, but, because it subsequently had to direct corrections in the enrollment of the bill, President Bush was able to sign it only on December 8, the day of the *sine die* adjournment. Similarly, although Congress could reach no final agreement on a congressional budget resolution, which would have advanced action to increase the debt limit, post-election conditions enabled the increase to be enacted as a freestanding measure.

During the lame duck period, the Administration intensified efforts to persuade House conferees on the intelligence bill to accept modifications in provisions to (1) maintain military control over its own intelligence, (2) keep intelligence funding confidential, and (3) control immigration. The conference report cleared Congress on December 8 and was signed into law on December 17.

Post-election conditions also permitted the resolution of conference deadlocks over several other reauthorizations, including the Individuals with Disabilities Education Act, a moratorium on Internet taxation, and authority for satellite television systems to carry network programming. The last of these was enacted as one of the few legislative riders to be included in the omnibus appropriation bill. Failure to resolve policy disagreements, however, doomed several other reauthorizations, including the 1996 welfare reform and a highway bill, although the latter had been delayed also by demands in the Senate for assurances about the role to be played by minority conferees. Finally, a ban on assault weapons expired when the House declined to act on a measure renewing it.

109th Congress, 2nd Session (2006)

The 109th Congress reconvened on November 13, 2006, largely because it had only cleared two FY2007 appropriations bills prior to the election, funding the Department of Defense and the Department of Homeland Security. A continuing resolution funding the rest of the government

was set to expire on November 17. Another top priority for the session was addressing a number of expiring tax benefits. Democrats had gained control of both houses in the November election, and the President and Democratic party leaders expressed hopes of cooperation and bi-partisanship leading into the lame duck session.[25]

Despite this optimism and several instances of cooperation, the Congress ultimately did not achieve its primary goal of passing further appropriations measures. Congress opted to fund the government through two successive extensions of the continuing resolution, with H.J.Res. 100 continuing funding through December 8 and H.J.Res. 102 continuing funding through February 15, 2007. Congress also cleared a package of tax benefit extensions, including those for research and development and for education, which was paired with a trade package that included benefits for undeveloped countries and agreements with Vietnam.

Other notable legislation included a bill that allowed President George W. Bush to negotiate an agreement with India permitting cooperation on its development of nuclear power for the first time in 30 years. In addition, Congress passed a bill to overhaul the United States Postal Service and a Veterans' Affairs package authorizing funds for major medical projects and information technology upgrades. Finally, the Senate confirmed Robert M. Gates as Secretary of Defense to replace Donald Rumsfeld, who stepped down the day following the elections.

110th Congress, 2nd Session (2008-2009)

The 110th Congress reconvened on November 6, 2008, just two days after the election that gave Democrats wider majorities in both the House and Senate, and ushered in a new Democratic President. The November 6 session, however, along with 14 other sessions from then through January 2, 2009, continued a series of pro forma sessions of the Senate that began in October and were intended to foreclose opportunities for outgoing President George W. Bush to make recess appointments to federal offices.[26] The Senate met for substantive business on only seven days during the post-election period. The House, which had adjourned *sine die*, reconvened on November 19, pursuant to authority granted to its leadership in the adjournment resolution, but met on only five days during the post-election period.

The main legislative business of the lame duck session involved further responses to spreading disruptions of the financial system that had become evident during the campaign period. Before the election, Congress had enacted P.L. 110-343, establishing a $700 billion package of aid to the financial services industry. In the lame duck session, Congress considered legislation to assist America's three largest auto-making companies which were in danger of bankruptcy.

On December 10, the House passed H.R. 7321, which provided $14 billion in loans to automakers by using funds from an existing program. However, opposition in the Senate effectively prevented a vote on the measure. The President subsequently provided $13.4 billion in loans to the automakers out of funds from the financial industry aid package.

Among the few other major measures that came up for a vote was a pension bill that postponed employee pension funding rules for companies and granted a moratorium on the annual distributions for retirement accounts as part of an effort to stave off lay-offs and assist retirees.

[25] Steven T. Dennis and John M. Donnelly, "A Few Miles to Go Before the 109th Sleeps," *Congressional Quarterly Weekly Report*, vol. 64, November 13, 2006, p. 2984.

[26] Kathleen Hunter, "Senators Maintain Vigil Against Recess Appointments," *CQ Today*, December 12, 2008, p. 1.

111th Congress, 2nd Session (2010)

Prior to November 15, 2010, which was the first day of the 2010 lame duck session on which business was transacted, the House recessed for a total of 45 days beginning on September 30. During this same period, the Senate engaged in a total of 14 *pro forma* sessions, both to prevent President Obama from making recess appointments and to prevent pending nominations from being returned to the White House.[27] Between November 15 and December 22, the House and Senate met for a total of 19 and 15 days of session, respectively. On all of those days of session, the House and Senate transacted business.

Relative to the lame duck session for the 110th Congress, there was a much larger agenda for the lame duck session for the 111th Congress that resulted in the enactment of a number of pieces of significant legislation, such as the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (H.R. 6523), the FDA Food Safety Modernization Act (H.R. 2751), and the Don't Ask, Don't Tell Repeal Act of 2010 (H.R. 2965). Also during the lame duck session, the Senate confirmed a total of 19 federal judges.

Perhaps the most significant issue that was negotiated throughout the lame duck session was the extension of certain revenue provisions, including the 2001 and 2003 income tax cuts (P.L. 107-16 and P.L. 108-27), that were set to expire at the end of 2010. In the final week of the session, a compromise was enacted (H.R. 4853) that extended these revenue provisions for two years, instituted a temporary payroll tax reduction, and provided jobless benefits for 13 additional months. A related issue, the completion of FY2011 appropriations, was not resolved during the lame duck session. Instead, a series of three continuing resolutions (P.L. 111-290, P.L. 111-317, and P.L. 111-322) was enacted to provide funding through March 4, 2011.

On December 22, 2010, the final day of the lame duck session, the Senate and House passed H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010, to provide health benefits to certain first responders who were exposed to toxic materials as a result of the September 11, 2011, terrorist attacks on the World Trade Center.[28] In addition, the Senate voted 71-26 to approve ratification of New START (H.R. 4853), an arms control treaty with Russia.[29]

112th Congress, 2nd Session (2012-2013)

The House and Senate both used *pro forma* sessions to provide for the break spanning the election on November 6, 2012. The dates on which Congress began this break—September 21 in the House and September 22 in the Senate—were the earliest since 1954. This break ended on November 13, when both chambers reconvened for the lame duck period. Between November 13 and January 3, when the 112th Congress adjourned *sine die*, the House transacted business on 19 of the 28 days it was in session; the Senate transacted business on 27 of the 30 days it was in session.

The lame duck session saw the completion of some major pieces of legislation that had been considered earlier in the Congress. These included the FISA Amendments Act Reauthorization

[27] Brian Friel, "Senate to Block Recess Appointments," *CQ Today Online News*, September 29, 2010.

[28] For further information on this bill, see CRS Report R41292, *Comparison of the World Trade Center Medical Monitoring and Treatment Program and the World Trade Center Health Program Created by Title I of P.L. 111-347, the James Zadroga 9/11 Health and Compensation Act of 2010*, by Scott D. Szymendera and Sarah A. Lister.

[29] For further information on this treaty, see CRS Report R41219, *The New START Treaty: Central Limits and Key Provisions*, by Amy F. Woolf.

Act of 2012 (P.L. 112-238), the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239), and the Intelligence Authorization Act for Fiscal Year 2013 (P.L. 112-277).[30] The Senate also confirmed a total of 66 civilian nominations, 16 of which were federal judges.

Much of the lame duck session was devoted to negotiations over expiring tax and spending policies, as well as the sequestration that was scheduled to occur pursuant to the Budget Control Act of 2011 (BCA; P.L. 112-25) on January 2, 2013. This so-called fiscal cliff was addressed by the enactment of the American Taxpayer Relief Act of 2012 (ATRA; P.L. 112-240) on January 2. The expiring revenue provisions that were addressed by ATRA included the 2001 and 2003 income tax cuts (P.L. 107-16 and P.L. 108-27), provisions related to the estate tax, certain tax provisions enacted or expanded as part of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), the Alternative Minimum Tax, and a number of temporary tax provisions (also known as "tax extenders"). The spending provisions in ATRA included an extension of certain unemployment benefits through 2013, a postponement in the reduction in Medicare payments to physicians under the Sustainable Growth Rate system through the same period, and extension of the 2008 farm bill through 2013.[31] ATRA also postponed the scheduled BCA sequestration until March 1, 2013.[32]

None of the FY2013 regular appropriations bills were enacted prior to the lame duck session.[33] However, because the first continuing resolution of the fiscal year (P.L. 112-175) did not expire until March 27, 2013, the enactment of such appropriations was not addressed during that session.[34] There was, however, significant congressional debate and action with regard to supplemental appropriations to assist with Hurricane Sandy recovery efforts.[35] Although the Senate passed such supplemental appropriations on December 28 (H.R. 1), the House declined to take it up during the remainder of the session, opting to postpone consideration of those appropriations until the beginning of the 113th Congress.[36]

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[30] "Partisan Combat Prevailed in 112th, Fiscal Cliff Narrowly Avoided." In *CQ Almanac 2012*, 68th ed., 1-3-1-8, (Washington, DC: CQ-Roll Call Group, 2013).

[31] For information on these revenue and spending elements of ATRA, see CRS Report R42884, *The "Fiscal Cliff" and the American Taxpayer Relief Act of 2012*, coordinated by Mindy R. Levit.

[32] For information on the BCA-related provisions in ATRA, see CRS Report R42949, *The American Taxpayer Relief Act of 2012: Modifications to the Budget Enforcement Procedures in the Budget Control Act*, by Bill Heniff Jr..

[33] For information on appropriations action during the 2012 and other recent lame duck sessions, see CRS Report RL34597, *The Enactment of Appropriations Measures During Lame Duck Sessions*, by Jessica Tollestrup.

[34] For information on continuing resolutions and FY2013 appropriations, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

[35] For information on enacted supplemental appropriations to address Hurricane Sandy, see CRS Report R42991, *Analysis of the Sandy Recovery Improvement Act of 2013*, by Jared T. Brown, Francis X. McCarthy, and Edward C. Liu.

[36] For a discussion of these events, see Kerry Young and Emily Holden, "Senate-Passed Sandy Aid Stalls in House," *CQ Weekly*, December 31, 2012, p. 2365.

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