Contemporary Lame-Duck Sessions of Congress:
An Overview and Assessment with Special Emphasis on the 110th Congress

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Introduction

When the 110th U.S. Congress convened in mid-November 2008, a pattern of behavior that first began in 1994 was further solidified. More specifically, the decision by congressional leaders to meet after the conclusion of the November elections, which had once been a relatively rare event after the adoption of the Twentieth Amendment in 1933, reinforced a trend that had begun in the 103rd Congress. That is, in seven of the last eight Congresses (with the exception of the 104th), a post-election session has been held, while in the previous twenty-nine Congresses, only ten post-election sessions had been organized. Thus, without a great deal of fanfare, a new norm of post-election convening has emerged.

These post-election sessions are often referred to as "lame-duck" sessions, as they include a set of members who have either retired or lost their reelection/higher-office bids and thus will be exiting Congress in short order. These exiting members, or lame ducks, can still participate in congressional proceedings, and more importantly *vote*, even though they are no longer tied to their geographic constituencies (districts for House members, states for Senators) through an explicit electoral connection. This creates an agency problem in representation –

specifically, a moral hazard problem – that does not exist in pre-election sessions. Indeed, this agency problem was the driving force behind the adoption of the Twentieth Amendment, which eliminated the *regularly-occurring* lame-duck session, i.e., the "regular" second session of a given Congress in the pre-1933 era.

In this short essay, we provide an overview and assessment of contemporary lame-duck sessions of Congress. We begin by first placing them in historical context, and thus briefly describe the origins of lame-duck sessions and the problems surrounding them. In doing so, we discuss the transition from the regularly-occurring lame-duck session ("solved" by the adoption of the Twentieth Amendment) to the contemporary lame-duck session, that is, the post-November election re-convening of the second regular session. We then describe how and why the contemporary lame-duck session has evolved from a generally ad hoc arrangement to a regularized institution, after which we focus on the political dynamics of the most recent lame-duck session (in the 110th Congress). Finally, we conclude with some normative implications of the rise of the "regularized" lame-duck session in the contemporary Congress.

II. A Brief History of Lame-Duck Sessions

The lame-duck session of Congress traces its origins back to the nation's Constitutional founding.[1] Article I, Section 4 stipulated that Congress would assemble at least once per year, with the first Monday in December established as the date of convening. This led to the adoption of a two-session format, with a first ("long") session extending from December through late-Spring/early-Summer and a second ("short") session extending from December through noon on March 4, the official end-date of the Congress.[2]

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[1] This section is based on the more-detailed historical accounts in Jenkins and Nokken (2008a; 2008b).
[2] On occasion, an "extra" session was held *before* the December long session. In the seventy-two Congresses prior to the adoption of the Twentieth Amendment, a pre-December extra session was convened twenty-one times.

The December convening decision resulted in an odd institutional arrangement, as the short session of a given Congress met *after* many states held their elections to the *next* Congress. This was especially true after the passage of the Apportionment Act of 1872, which stipulated that all Federal elections be held on the *same* day, the first Tuesday after the first Monday in November. As a result, the short session was comprised of three different member types: those who had won reelection; those who had lost their reelection/higher-office bids; and those who had decided to retire. The short session thus became known as the lame-duck session, since it was populated in part by members (election losers and retirees) who would be exiting the chamber in a few months. These exiting members, or lame ducks, were no longer formally tied to their constituents, but they still enjoyed all the privileges of reelected members, most notably the ability to cast roll-call votes, creating a clear "agency problem" in representation.

The number of lame ducks in short sessions was often considerable. For example, in the period between 1877 and 1933 (the 45th and 72nd Congresses, representing the post-Reconstruction/pre-New Deal era), lame ducks constituted – on average – just over 30 percent of the overall House. In some Congresses, lame ducks represented a *majority* of the chamber. Given the size of this group and the aforementioned agency problem, lame-duck sessions were often unpredictable affairs. Sessions were frequently characterized by spotty attendance – spurred by the absence of lame ducks – and procedural delaying tactics, used to string business along until the Congress's expiration. A more serious concern was fraud, as lame ducks were sometimes charged with selling their votes, most notably to the president in exchange for executive appointments.[3]

Such lame-duck vote-selling allegations, which grew significantly during the Gilded Age, eventually led to efforts to reconfigure the congressional calendar. In the late-1880s, proposals

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[3] See Norris (1945) and Crowe (1969).

were offered to seat members far earlier in the calendar year – January rather than December – which would eliminate the underlying agency problem, but they went nowhere. Such reform efforts continued into the 1890s, but the status quo always prevailed. Most members could not be persuaded that the current institutional design was working poorly, and, despite the best efforts of the progressive press, arguments for a constitutional amendment to abolish lame-duck sessions did not resonate with the citizenry.

Reform efforts returned in force in the second decade of the twentieth century. Filibusters ended all four lame-duck sessions during President Wilson's Administration, raising the hackles of the progressive press as well as many politicians. In 1922, the issue came to a head with the passage of the ship subsidy bill, a controversial piece of legislation supported by President Harding and passed with votes from a considerable number of Republican lame ducks – votes that Harding was accused of buying with promises of executive appointments.[4] Angered by these accusations and the politics of the shipping bill more generally, Sen. George W. Norris (R-NE), a strong proponent of reform, introduced a resolution to move the starting date of Congress forward – harkening back to the proposals decades earlier – and eliminate the lame-duck session. Thanks to growing public support, Norris pushed his resolution through the Senate, but was blocked by the conservative Republican leadership in the House. This pattern continued for the next four Congresses. Finally, in 1932, Norris succeeded – on his sixth-overall attempt, his resolution was passed in both the (now Democratically-controlled) House and Senate. And within a year the Twentieth Amendment was ratified by three-quarters of the states and officially took effect in 1933.

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[4] See Goodman and Nokken (2004).

The Twentieth Amendment significantly reconfigured the congressional calendar.[5] The opening of Congress was moved to early January, and the lame-duck ("short") session was eliminated and replaced by a second "long" session that also convened in January. The key substantive consequence was the firming up of the agency relationship – the timing of sessions was altered so that elections to the next Congress would normally take place during the adjournment between Congresses, instead of during the adjournment between sessions of a given Congress.

III. A New Form of Lame-Duck Session

While the Twentieth Amendment eliminated the regularly-occurring lame-duck session, a different kind of lame-duck session was still possible. That is, the Twentieth Amendment did not preclude Congress from reconvening in the time between the November elections and the seating of new members the following January. While a given Congress was now made up of two long sessions, a variety of factors could require that the second session extend into the November-January time gap that was intended (by proponents of the Twentieth Amendment) to serve as an inter-Congress adjournment. And this new form of lame-duck session – an added post-election portion of the second session – has in fact occurred on 17 occasions between 1935 and 2008. Tables 1 and 2 document these 17 post-Twentieth Amendment (or "contemporary," as we will refer to them) lame-duck sessions, providing basic background statistics and brief overviews of important legislation considered.

As Table 1 indicates, contemporary lame-duck sessions were convened sporadically during much of the twentieth century. In the twenty-nine Congresses between the 74th and 102nd, only ten included a lame-deck session. This uneven pattern has changed in recent years,

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[5] The Twentieth Amendment is perhaps best known for moving the presidential inauguration from March to January.

however, as a more regularized post-election lame-duck session has emerged. In the eight

Congresses between the 103rd and 110th, seven have included a lame-duck session.

Over time, the factors that have led to contemporary lame-duck sessions have varied.[6]

Three of the first four post-Twentieth Amendment lame-duck sessions (in the 76th, 77th, and

78th) were convened largely for war-related reasons. Others have been ad hoc in nature, to deal

with specific issues that have arisen (extending the life of the Hoover Commission in the 80th;

censure of Sen. Joseph McCarthy in the 83rd; passage of a new GATT treaty in the 103rd; and

impeachment proceedings against President Clinton in the 105th). Still others have been

convened for workload reasons, to complete important business cut short by external events

(President Nixon's domestic agenda in the 91st, which was stalled by the Vietnam War, and a

number of important domestic and international policies in the 93rd, delayed by the Watergate

scandal).

Increasingly, however, contemporary lame-duck sessions have been viewed by party

leaders as a way to provide political cover for fellow partisans. Leaders will delay consideration

of some issues (and, more importantly, *votes* on those issues) until after the November elections,

so that their members will not have to take unpopular positions before voters go to the polls. The

primary "problem" issue that leaders push into lame-duck sessions has involved spending-related

legislation, specifically budget/appropriations bills.

The clearest case for budget/appropriations "dodging" occurred in the 96th Congress,

when Democratic leaders chose to postpone consideration of budget measures and five regular

appropriation bills until after the elections, to avoid putting members in the difficult position of

supporting major deficit spending. More of the same occurred in the 97th Congress, as ten

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[6] This section is based largely on Beth (2006) and Keith (2008), but also Arieff (1980), Taylor (2002), Rapp (2004), and Higa (2006).

appropriations bills were postponed until the lame-duck session. But only recently has the

appropriations-dodging strategy gone into full force. In the 106th through 109th Congresses, for

example, major appropriations legislation has been shunted into the lame-duck session. But even

then, the contentious nature of spending decisions continued, and clear resolutions were not

always achieved. An omnibus appropriations bill was passed in the lame-duck session of the

106th and 108th Congresses (after a good deal of conflict); however, little was achieved in the

107th (only two of eleven appropriations bills passed) and 109th (zero of nine passed), which

then required continuing resolutions to maintain funding.[7]

While budget/appropriations legislation represents the major issue that leaders push into

the contemporary lame-duck session for cover, other "difficult" issues have also been postponed

until after the November elections. Examples include a gasoline tax (which provoked a lame-

duck session filibuster), a congressional pay raise, and an immigration-reform bill in the 97th

Congress; the aforementioned GATT bill (which split the Democrats) in the 103rd; a

bankruptcy-reform bill in the 106th (which was eventually vetoed); and a bill to create a

Department of Homeland Security in the 107th.

IV. The Lame-Duck Session of the 110th Congress

The lame-duck session in the 110th Congress represents the most recent in the

regularized contemporary line since the 103rd.[8] It convened in the aftermath of the strong

Democratic showings in the 2008 elections, which included the election of Sen. Barack Obama

(D-IL) to the presidency. Democratic leaders had initially discussed enacting some kind of

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[7] Nine appropriations bills were also left unfinished when the 110th Congress adjourned before the November 2008 elections. However, this was not a case of "dodging," as there were no plans to deal with these unfinished appropriations bills in the subsequent lame-duck session, which convened on a somewhat ad hoc basis to deal with the auto-industry bailout (see the following section). On appropriations bills in the 110th Congress, see *CQ Weekly Report*, December 15, 2008, p. 3384.

[8] This section is based on Baumann (2008), Benson (2008), Herszenhorn (2008), Hulse (2008), Schatz (2008), and Schatz and Clarke (2008).

broad-based stimulus package, given the depressed nature of the economy, but seemed content to wait until the 111th Congress, when the party would enjoy larger margins and an ally in the White House. The initial plan was for the Senate to convene a lame-duck session on an ad hoc basis, to dispose of a long-stalled public lands bill, while the House would not reconvene. However, Congressional leaders were confronted with a controversial proposal to provide financial assistance for the domestic auto industry, and both chambers agreed to reconvene for this purpose (with the public lands bill put on hold until the beginning of the 111th Congress). This change in course arose out of a combination of bad economic news, exemplified by a report released on November 4, 2008, by the Center for Automotive Research detailing Detroit's dire situation, and a concerted lobbying effort by the domestic auto industry to have their case heard before the 111th Congress met in January 2009.

Months prior to the lame-duck session, the auto industry started lobbying Congress for financial assistance, seeking early release of $25 billion in loans included in an energy bill intended to help the car makers meet stricter fuel efficiency standards. Once Congress reconvened in the lame-duck session, both parties agreed that the auto industry faced serious financial trouble and the situation was serious enough to warrant immediate consideration, but there was little bipartisan agreement for a particular course of action. Democrats preferred one that would shift some of the money appropriated for the Troubled Asset Relief Program (TARP) to the automakers. But that plan met with opposition from the White House, which was eager to maintain the TARP funds for the financial services bailout. Changing direction, the House ultimately passed a $14 billion dollar loan package for the auto industry on December 10, 2008, by a margin of 237 – 170.

Prospects for the auto industry dimmed in the Senate, however. Democratic leaders attempted to gain passage of the auto-assistance package by attaching the measure to a tax proposal already passed by the House. But negotiations broke down over differences on wage and benefit concessions by labor (and dates such concessions would go into effect), with the opposition led primarily by southern Republicans, many of whom represented states with foreign auto plants. The bill ultimately died when a cloture measure fell eight votes short of the necessary 3/5 margin, losing 52 – 35.

There is little evidence that the Democrats utilized the lame-duck session in the 110th Congress to deal with a difficult issue (and provide their members with political cover). Rather, it appears that the dismal economic news coupled with a concerted effort by a beleaguered domestic auto industry forced Congress to try to act. To many, the experience of the lame duck session of the 110th Congress typified the conflict-laden and unproductive post-election sessions of the recent past. Neither party had strong incentives to compromise. Democrats knew they could simply hold off until the 111th Congress and capitalize on larger majorities and a Democratic president. Republicans, many of whom would not return to the 111th, tended to oppose government aid to automakers as a matter of principle and saw no political payoffs to compromise and assist Democrats in passing left-leaning policy. As a consequence, the failure of the auto-bailout package came as no surprise to many political observers. (In the end, the White House stepped in after Congress's failure to legislate, and approved $13.4 billion for the domestic auto industry, drawn from the $700 billion financial-bailout fund.[9])

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[9] These funds came with the stipulation that General Motors (GM) and Chrysler (as Ford did not request formal assistance) put together a plan for long-term profitability by the end of March 2009. An additional $4 billion could be provided to GM down the road, conditional on future distribution streams from the financial-bailout fund. See Sanger, Herszenhorn, and Vlasic (2008).

In terms of the number of roll calls cast (7 in the House and 2 in the Senate), the lame-duck session of the 110th Congress is relatively modest compared to some others in recent years; yet, as noted, it was curiously ambitious in policy terms, as indicated by the consideration of a controversial auto-industry bailout package. To investigate whether the lame-duck status of members was meaningful in the push to enact the bailout legislation, we specify a series of probit models to estimate the likelihood that individual House and Senate members cast a vote in favor of the loan package on each of the roll calls in the lame-duck session. The dependent variable takes a value of 1 for yea votes and 0 for nay votes, with abstentions coded as missing observations. In our first set of estimates, the independent variables consist of each member's first- and second-dimension W-NOMINATE scores calculated using only *regular* session votes.[10, 11] These estimates provide a useful baseline model against which to compare our second set of estimates in which we add a dummy variable to account for lame-duck status, coded 1 for exiting members and 0 for returning members. We estimate these sets of models separately for each of the roll calls described in Table 3, with the exception of House vote #689, which passed unanimously, and Senate vote #214, which passed handily and did not deal with the auto loan proposal.

Looking first at the estimates of the baseline models for the House votes, presented in Table 4, five of the six roll calls indicate that coalitions of support and opposition broke almost perfectly along ideological (partisan) lines. The first five votes are marked by statistically significant coefficients on the first-dimension regular-session W-NOMINATE scores, high pseudo-R^2 values, and correct individual-level vote predictions between 95.3 and 97.8%.

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[10] For an explanation of the NOMINATE estimation procedure (and NOMINATE scores), see Poole and Rosenthal (1997).

[11] Regular-session W-NOMINATE scores reflect members' preferences *before* the congressional elections that led to the lame-duck session. Thus, these scores should not be tainted by any agency problems, and should reflect members' established policy positions

Interestingly, on the last House vote – on final passage – we find a statistically significant coefficient on the first-dimension W-NOMINATE score, as well as on the second-dimension score. Compared to the other five models, the pseudo-R^2 is quite a bit smaller (0.536) and the percentage of votes correctly predicted is nearly 10 percentage points lower than the "weakest" of the other five models. In the second set of estimates, in which we include a dummy variable for lame-duck status, the results from the first five votes remain essentially unchanged.[12] Only on the final-passage vote does the lame-duck variable have a statistically significant coefficient (in the direction of support for passage). The increase in explanatory power is modest, however, as only two additional votes ("errors" in the baseline model) are correctly predicted with the addition of the lame-duck variable.[13] On the whole, then, estimates from these contrasting models would suggest that exiting House members in the lame-duck session seemed to vote consistent with their previous ideologies.

We turn next to the Senate vote – a cloture vote on consideration of a bill dealing with the Alternative Minimum Tax that served as the vehicle by which the auto loan proposal would be considered. As noted, the cloture motion ultimately failed 52 to 35, thereby killing the prospects of an auto-industry bailout in the waning days of the 110th Congress. The probit estimates, presented in Table 5, show that the Senate cloture vote mirrored that of the final-passage vote in the House. In the baseline model, the first-dimension regular-session W-NOMINATE score is negative and statistically significant – as it was in each of the House models – and the fit statistics resemble those of the House final-passage vote. In the second model, we find a

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[12] We also estimated, but do not report, a model with separate dummy variables for Democratic and Republican lame-duck members. In each instance, the votes of the departing Democrats did not vary, which led STATA to drop those observations, providing only a coefficient for Republican lame ducks.
[13] This two vote improvement was actually a "net" result. In fact, the lame-duck model correctly predicts five errors from the basic NOMINATE model – Philip English (R-PA), Jon Porter (R-NV), Ralph Regula (R-OH), Ray Lahood (R-IL) and James Walsh (R-NY) all voted yea, but were predicted to vote nay – but incorrectly predicts three non-errors from the basic NOMINATE model – David Hobson (R-OH), Hugh Saxton (R-NJ), and Christopher Smith (R-NJ). All eight members, with the exception of Smith, were lame ducks.

statistically significant and positive coefficient on the lame-duck variable, suggesting that lame-duck status enabled some departing members (who would otherwise be constrained by ideology) to vote in favor of cloture – and thus support the bailout package. Specifically, three of the four departing Republicans who participated on the roll call voted in favor of cloture: Elizabeth Dole (NC), Pete Domenici (NM), and John Warner (VA).[14] All three were predicted to vote nay in the basic NOMINATE model.

Finally, one of the key issues surrounding roll-call voting in lame-duck sessions involves abstention-rate differences across member types. Several studies of lame-duck sessions, for example, find increased abstention rates among departing members compared to reelected members.[15] We examine a similar question here: was lame-duck status a significant factor in determining abstentions on roll calls in the lame-duck session of the 110th Congress? Table 6 documents the total abstentions on each of the House and Senate roll calls, as well as the number of lame-duck members who failed to participate on each of the votes. In each of the roll calls, lame ducks comprised a sizable proportion of all abstaining members.

To assess whether lame-duck status served to influence abstentions, we ran a series of probit models to estimate the likelihood a member abstained on a roll call. The dependent variable is coded 1 for members who do not vote and 0 otherwise. Our independent variable of interest is a lame-duck dummy variable coded 1 for departing members and 0 for reelected members. We control for member ideology with the inclusion of first- and second-dimension regular-session W-NOMINATE scores as independent variables. Column 4 in Table 6 indicates

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[14] The fourth departing Republican was A. Wayne Allard (CO), who voted "nay" on cloture.
[15] See Poole and Rosenthal (1997, Chapter 10) and Jenkins and Nokken (2008c).

that the coefficient on the lame duck variable was positive and highly significant ($p < .001$) on each of the votes held in the lame-duck session.[16]

To summarize, we find that lame-duck status was a non-trivial factor in roll-call behavior in the lame-duck session of the 110th Congress. Our results suggest that lame-duck status had some effect at the margins in affecting roll-call voting, especially on "final" votes on the auto bailout, but not enough to alter outcomes. The same is true in terms of lame-duck status and participatory shirking – lame-duck members abstained at significantly higher rates than their reelected brethren, but their disproportionate absences probably were not sufficient to affect any roll-call outcomes.

V. Discussion

As an academic community, we still have much to learn about contemporary lame-duck sessions. Often, we consider lame-duck sessions to be a curious anomaly. Sometimes we see them as a way to connect with a long-ago past when such sessions were regular and perceived to be more meaningful. But they are rarely treated seriously from a research perspective. This may have something to do with their sporadic appearances since the Twentieth Amendment, or perhaps their limited activities (specifically, their limited number of roll-call votes) do not make them easily amenable to systematic analysis. Whatever the reason, little research has investigated contemporary lame-duck sessions, and thus they remain a ripe avenue for empirical investigation.[17]

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[16] For a discussion of lame-duck members who missed the votes on the bailout bill, and the legitimacy of their reasons for doing so, see Magner (2008).

[17] Only one study has examined participatory shirking in lame-duck sessions in the *contemporary* Congress: Poole and Rosenthal (1997, Chapter 10). In terms of roll-call voting analyses on contemporary lame-duck sessions, three exist: a study by McArthur and Marks (1988), which found that lame-duck members voted differently from returning members on the 1982 automobile domestic content bill, a protectionist piece of legislation, with lame ducks more likely to support industry (free-trade) interests; a study by Rothenberg and Sanders (2000), which found that lame-duck House members were less supportive of President Bill Clinton's impeachment than reelected House

Our analysis of the 110th Congress can serve as a blueprint for research on other post-Twentieth Amendment sessions. While we did not uncover evidence that would suggest lame ducks "compromised" policy, by altering roll-call outcomes either by voting contrary to their preexisting preferences or by failing to participate, this does not mean such events have not occurred in the recent past. It is important, after all, to remember the reasons for the passage of the Twentieth Amendment: Sen. George Norris made a strong case that the agency problem (moral hazard problem) in lame-duck sessions could (and did) lead to representational breakdowns and the passage of policy outcomes that were contrary to the will and wishes of the people. More generally, Norris and his reform colleagues believed that the very existence of a lame-duck system, and a set of representatives no longer tied to their constituents and thus possessing a different incentive structure, was a recipe for disaster, whether or not fraudulent behavior was obvious always and everywhere.[18]

As contemporary lame-duck sessions have become regular events over the past decade and a half, Norris's concerns are valid once again. Decisions about the continued use of lame-duck sessions should be informed ones, weighing the benefits of a given Congress meeting in the period between the November elections and the January convening of a new Congress against the costs of policymaking when an agency problem in representation is present. As a result, a systematic understanding of the representational elements and policy consequences of contemporary lame-duck sessions should be important goals not only for scholars of Congress but for the general citizenry as well.

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members (see subsequent exchange on the matter by Lawrence (2007) and Rothenberg and Sanders (2007)); and a study by Jenkins and Nokken (2008b), which uncovered no evidence of significant party effects across regular and lame-duck sessions, and argued, as a result, that contemporary lame-duck sessions (from a partisan perspective) are perhaps best thought of as extensions of regular sessions.

[18] Jenkins and Nokken (2008b) do not find systematic evidence of lame-duck shirking on roll-call votes in the pre-Twentieth Amendment era. They do find isolated cases, however, and that serves to make Norris's point: in his mind, one such case was too many, as the system could be altered to eliminate the incentives for such occurrences.

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Table 1: Post-20th Amendment Lame Duck Sessions, 1935 – 2008 (74th – 110th Congresses)[*]

Cong.	Year	Starting Date	Ending Date	Exiting House Members	% Exiting House Members	Total House Roll Calls	Exiting Senators	% Exiting Senators	Total Senate Roll Calls
76	1940	Remained in Session	Jan. 2, 1941 (H) Jan. 3, 1941 (S)	22	5.1	4	12	12.5	4
77	1942	Remained in Session	Dec. 16	32	7.4	1	13	13.5	11
78	1944	Nov. 14	Dec. 19	22	5.1	7	14	14.6	17
80	1948	Dec. 31	Dec. 31	29	6.7	0	18	18.8	0
81	1950	Nov. 27	Jan. 2, 1951	29	6.7	11	13	13.5	11
83	1954	Nov. 8	Dec. 2	24	5.5	0	14	14.6	8
91	1970	Nov. 16	Jan. 2, 1971	30	6.9	71	11	11.0	70
93	1974	Nov. 18	Dec. 20	44	10.1	76	10	10.0	85
96	1980	Nov. 12	Dec. 16	34	7.8	54	18	18.0	83
97	1982	Nov. 30	Dec. 21 (H) Dec. 23 (S)	40	9.2	91	5	5.0	82
103	1994	Nov. 28	Nov. 29 (H) Nov. 30 (S)	43	9.9	2	11	11.0	2
105	1998	Dec. 17	Dec. 19	33	7.6	9	8	8.0	0
106	2000	Nov. 13 (H) Nov. 14 (S)	Dec. 15	41	9.4	9	11	11.0	4
107	2002	Remained in Session	Nov. 20 (S) Nov. 22 (H)	52	12.0	14	10	10.0	14
108	2004	Nov. 16	Dec. 7 (H) Dec. 8 (S)	40	9.2	14	9	9.0	5
109	2006	Nov. 13	Dec. 9	53	12.2	27	10	10.0	16
110	2008	Nov. 17 (S) Nov. 19 (H)	Jan. 3 (H) Jan. 2 (S)	54	12.4	7	10	10.0	2

[*] Dates listed for the 83rd Congress are for the Senate, as the House did not convene. House and Senate lame-duck session dates through the 108th Congress taken from Beth (2006). Dates for the 109th and 110th Congresses were located at www.house.gov and www.senate.gov, and roll-call votes for all lame-duck sessions were taken from www.voteview.com.

Table 2: Important Legislation Considered in Contemporary Lame-Duck Sessions

Cong.	Year	Important Legislation
76	1940	Bill to limit regulatory agency powers; committee report on sabotage in the defense industry
77	1942	Bill to abolish poll taxes; measure adjusting overtime pay for government workers; measure to provide for the military draft
78	1944	Bill to increase social security taxes; rivers and harbors appropriations bill; reciprocal trade system bill
80	1948	Extended the life of the Hoover Commission
81	1950	Rent control extension; famine relief bill for Yugoslavia; defense supplemental appropriations bill; excess profits tax; civil defense program
83	1954	Censure of Senator Joseph McCarthy (R-WI)
91	1970	Seven appropriations bills; Federal manpower training bill; public service employment bill; Federal housing bill; Clean Air Act Amendments
93	1974	Freedom of Information Act amendment; trade reform bill; non-nuclear energy bill; continuing appropriations for Federal agencies
96	1980	Budget resolution and reconciliation measure; five regular appropriations bills; Alaska lands bill; a "superfund" bill; general revenue sharing measure; low-level nuclear waste bill; changes to military pay/benefits
97	1982	Ten appropriations bills; gasoline tax; congressional pay raise; immigration reform bill; MX missiles bill; nuclear waste disposal bill
103	1994	New General Agreement on Tariffs and Trade (GATT) bill
105	1998	President Clinton Impeachment proceedings
106	2000	Five continuing resolutions; omnibus appropriations bill; Presidential Threat Protection Act; Striped Bass Conservation Act; Intelligence Authorization Act
107	2002	Eleven appropriations bills; bill to create a Department of Homeland Security; five continuing resolutions; Defense Authorization Act
108	2004	Omnibus appropriations bill; debt-limit increase; intelligence bill modifications; moratorium on internet taxes; reauthorization of Individuals with Disabilities Education Act; satellite television bill
109	2006	Nine appropriations bills; continuing resolutions; NIH reauthorization; Medicare/physician fees; Ryan White reauthorization; FDA commissioner confirmation
110	2008	Pension funding rules for companies; Auto industry assistance

Table 3: Roll-Call Votes, Lame-Duck Session of the 110th Congress

<u>House of Representatives</u>

CQ Vote Number	Date	Vote Totals	Description
684	12/10/08	224 – 174	HR 7321. Same-Day Consideration Rule/Previous Question on the rule (H Res 1533).
685	12/10/08	226 – 169	HR 7321. Same-Day Consideration Rule/Adoption of rule (H Res 1533)
686	12/10/08	215 – 170	Procedural Motion/Journal. Approval of the House Journal of 12/9/08
687	12/10/08	225 – 180	HR 7321. Automobile Industry Loan Program Rule/ Previous Question on the rule (H Res 1534)
688	12/10/08	225 – 179	HR 7321. Automobile Industry Loan Program Rule/Adoption of the rule (H Res 1534)
689	12/10/08	403 – 0	HR 7321. Automobile Industry Loan Program Amendment (New Lending Reporting)/Adoption of amendment.
690	12/10/08	237 - 170	HR 7321 Auto Industry Loan Program/Passage

<u>Senate</u>

CQ Vote Number	Date	Vote Totals	Description
214	11/20/08	86 – 9	HR 6867. Unemployment Benefits Extension/Cloture on the motion to proceed.
215	12/11/08	52 – 35	HR 7005. Automobile Industry Loan Program Shell/Cloture on the motion to proceed.

<u>Note</u>: Descriptions of House Roll Calls: *CQ Weekly Report*, Dec 15, 2008, Page 3380. Descriptions of Senate Roll Calls: *CQ Weekly Report*, Nov. 24, 2008, Page 3159, and Dec. 15, 2008, Page 3382.

Table 4: Probit Analysis of House Roll Calls, Lame-Duck Session of the 110th Congress

	CQ Roll Call Number					
Variable	684	685	686	687	688	690
Constant	-0.217	-0.112	-0.247	-0.345	-0.237	0.027
	(0.148)	(0.131)	(0.134)	(0.288)	(0.124)	(0.088)
1st Dim W-NOM	-3.88***	-3.53***	-3.50***	-3.99***	-3.45***	-2.31***
	(0.362)	(0.297)	(0.288)	(0.349)	(0.280)	(0.170)
2nd Dim W-NOM	-0.001	0.078	0.0003	0.595	-0.193	-0.631***
	(0.393)	(0.347)	(0.334)	(0.421)	(0.318)	(0.236)
N	397	394	385	405	404	407
χ^2	460.73***	431.49***	422.80***	487.04***	431.58***	296.8***
Pseudo-R^2	0.846	0.802	0.799	0.875	0.777	0.536
% Correctly Predicted	97.5	96.2	96.1	97.8	95.3	86.7

	CQ Roll Call Number					
Variable	684	685	686	687	688	690
Constant	-0.156	-0.162	-0.358	-0.347	-0.290	-0.052
	(0.161)	(0.145)	(0.158)	(0.179)	(0.142)	(0.097)
1st Dim W-NOM	-3.88***	-3.56***	-3.62***	-3.99***	-3.49***	-2.37***
	(0.373)	(0.299)	(0.309)	(0.353)	(0.288)	(0.175)
2nd Dim W-NOM	-0.049	0.114	0.043	0.595	-0.155	-0.572**
	(0.406)	(0.348)	(0.335)	(0.423)	(0.319)	(0.238)
Lame Duck	-0.448	0.308	0.588	0.010	0.303	0.536**
	(0.455)	(0.369)	(0.375)	(0.450)	(0.350)	(0.265)
N	397	394	385	405	404	407
χ^2	461.56***	432.20***	425.27***	487.04***	432.32***	300.95***
Pseudo-R^2	0.848	0.803	0.804	0.875	0.779	0.543
% Correctly Predicted	97.5	96.2	96.1	97.8	95.3	87.2

Note: Column entries represent probit coefficients, with standard errors in parentheses.

Table 5: Probit Analysis of Senate Cloture Vote on Auto Bailout Bill (CQ Vote #215)

Variable	I	II
Constant	-0.026	-0.177
	(0.190)	(0.211)
1st Dim W-NOM	-2.24***	-2.44***
	(0.367)	(0.397)
2nd Dim W-NOM	-0.514	-0.456
	(0.367)	(0.399)
Lame Duck	--	1.77**
	--	(0.851)
N	87	87
χ^2	61.14***	66.29***
Pseudo-R^2	0.521	0.565
% Correctly Predicted	87.4	90.8

Note: Column entries represent probit coefficients, with standard errors in parentheses.

Table 6: Abstentions on Roll Calls, Lame-Duck Session of the 110th Congress

House of Representatives

CQ Vote Number	Total Abstentions	Lame Duck Abstentions	Significant Lame Duck Abstentions
684	35	18	Yes
685	38	18	Yes
686	47	18	Yes
687	27	13	Yes
688	28	14	Yes
689	29	14	Yes
690	26	13	Yes

Senate

CQ Vote Number	Total Abstentions	Lame Duck Abstentions	Significant Lame Duck Abstentions
214	4	2	Yes
215	12	5	Yes

Note: Significant lame-duck abstention results come from individual probit models.