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The First Day of a New Congress: A Guide to Proceedings on the Senate Floor

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Summary

The Senate follows a well-established routine on the opening day of a new Congress. The proceedings include swearing in new members, administrative business, and election of the president pro tempore, the constitutionally mandated officer elected to preside over the chamber in the absence of the Vice President. Other first day activities are dependent on specific circumstances and do not occur on the first day of every new Congress. Once these proceedings are completed, the Senate may then turn to routine business. The Senate committee assignment process begins prior to the convening of a new Congress.

Article I, Section 2 of the Constitution provides for a system of staggered six year terms for Senators, one-third of their terms expiring at the conclusion of each Congress. As a consequence, the Senate is a continuing body and does not have to reorganize itself each new Congress, as does the House of Representatives, by adopting new rules and electing new leaders. Any changes in Senate leadership take place in the party caucuses prior to the opening day, and there are no floor votes to ratify these changes.

The Senate Convenes¹

The Constitution (20th Amendment, Section 2) mandates that a new Congress convene at noon on January 3 in each odd numbered year, unless it has earlier passed a law designating a different day. For example, the 104th Congress convened on January 4, 1995, the 105th Congress convened on January 7, 1997, and the 106th Congress on January 6, 1999. However, the 107th Congress is scheduled to convene on January 3, 2001.

The Vice President presides when the Senate opens, and the Senate chaplain offers a prayer. The Vice President then announces the receipt of the certificates and credentials

¹ For information on organizational meetings held prior to the formal start of a new Congress, see: U.S. Library of Congress, Congressional Research Service, *Congress' Early Organizational Meetings*, by Judy Schneider, CRS Report 96-657 GOV (Washington: July 30, 1996).

of election of the newly elected Senators. The reading of these documents is waived, and they are subsequently printed in full in the *Congressional Record*.²

Oath of Office

Prior to the swearing in of newly elected Senators, including reelected incumbents, the majority leader often provides a brief history of the oath of office and welcomes them.³ Subsequently, the Vice President calls them to the front of the chamber in alphabetical order in groups of four to take the oath and to “subscribe to the oath” in the official oath book.⁴ A Senator is often accompanied by the other Senator from the same state, the Senator he or she is replacing, or a former Senator.

Notification to the Other Body and to the President

The Senate clerk then calls the roll, and the Senate majority leader offers resolutions formally notifying the House and the President that a quorum of the Senate is assembled and ready to proceed to business. Subsequently, the House and Senate leadership telephone the President with the news that Congress is ready to begin its work.

Daily Meeting Time for the Senate

The Senate establishes its daily hour of meeting by a resolution which must be renewed each session of Congress. This resolution is also usually offered by the majority leader.

Election of the President Pro Tempore

The president pro tempore is elected by the Senate to preside during the absence of the Vice President.⁵ On opening day, when there is a change in party control of the Senate, the president pro tempore is elected by resolution and then escorted to the front of the chamber to be sworn in by the Vice President.⁶ The Senate subsequently adopts a

² The Vice President, “Certificate of Election and Credentials,” *Congressional Record*, daily edition, vol. 144, Jan. 6, 1999, pp. S1-S4.

³ Sen. Trent Lott, “The Oath We Take,” *Congressional Record*, daily edition, vol. 144, Jan. 6, 1999, pp. S4-S5. If there are any contested elections, the leadership may provide a brief status report and plan for their resolution. See: Sen. Trent Lott, “Louisiana Election Contest,” *Congressional Record*, daily edition, vol. 143, Jan. 7, 1997, p. S5.

⁴ Each Senator is allowed to keep the pen he or she uses to sign the historical oath book, which contains the signatures of all U.S. Senators.

⁵ The Constitution specifies that the Vice President is the presiding officer of the Senate. The Vice President, however, usually presides only on opening day, during ceremonial occasions, and when needed to cast a tie-breaking vote.

⁶ The president pro tempore holds that office during his/her Senate term and is not reelected at the beginning of a new Congress unless there is a change in party control. In the 104th-106th Congresses, the president pro tempore has been Senator Strom Thurmond (R-SC). In the 105th

(continued...)

resolution to notify the President of the election of the president pro tempore. Often referred to as the “president pro tem,” this majority party senator usually has the party’s longest continuous Senate service and often, by virtue of seniority, chairs a committee. If expecting to be unavailable for chamber duties, the president pro tempore appoints other Senators to preside.

Other First-Day Floor Actions

Other routine organizational business is taken up on the Senate floor on the first day, including unanimous consent requests to expedite the daily business of the Senate, such as the setting of the leaders’ time each day. During the 106th Congress, the Senate adopted 11 unanimous consent resolutions *en bloc*.⁷ In addition, floor privileges are granted for special staff; the majority leader lays out the highlights of the legislative schedule ahead and discusses potential procedural problems; and the Senate adopts resolutions providing for adjournments, and often for the joint session at which Congress receives the President’s State of the Union message.⁸

Other first day activities are dependent on specific circumstances and do not occur on the first day of every new Congress. For example, following a presidential election, the Senate must adopt a resolution to count the electoral votes for the President and Vice President,⁹ continue the Joint Congressional Committee on Inaugural Ceremonies, and authorize the use of the Capitol for inaugural activities.¹⁰ In addition, on the first day of the 106th Congress, there were several announcements and a discussion related to the pending impeachment trial of the President.¹¹

After the Senate has completed initial organizational proceedings, it may then turn to routine business, which normally completes the legislative day. This business includes the introduction of bills and resolutions, appointments of Senate officials, and additional statements from Senators.

⁶ (...continued)

Congress, because he was starting a new Senate term (and, thus, a new term as president pro tempore), Senator Thurmond was escorted to the dais by Senators Trent Lott and Thomas Daschle, the majority and minority leaders; Senator Ernest Hollings, the other Senator from South Carolina; and Senator Robert Byrd, the previous president pro tempore.

⁷ Sen. Trent Lott, “Unanimous-Consent Agreements,” *Congressional Record*, daily edition, vol. 145, Jan. 6, 1999, pp. S5-S6.

⁸ *Congressional Record*, daily edition, vol. 144, Jan. 6, 1999, pp. S6-S8. In the 105th Congress, special floor privileges were granted for a staff member from one Senator’s office always to accompany that Member, who needs assistance while in the Senate chamber.

⁹ Sen. Trent Lott, “Certification of Electoral Votes,” *Congressional Record*, daily edition, vol. 143, Jan. 7, 1997, p. S7. This takes the form of a joint session with the House of Representatives.

¹⁰ Sen. Trent Lott, “Extending the Life of the Joint Congressional Committee on Inaugural Ceremonies and the Provisions of Senate Concurrent Resolution,” *Congressional Record*, daily edition, vol. 143, Jan. 7, 1997, p. S8.

¹¹ Sen. Trent Lott, “The Public’s Access to the Impeachment Proceedings,” “Unanimous-Consent Agreement-Senate Access,” and “Senate Agenda,” *Congressional Record*, daily edition, vol. 145, Jan. 6, 1999, pp. S7-S10.

During adjournment periods preceding the start of a new Congress, the secretary of the Senate is authorized to receive on behalf of the Senate messages from the House of Representatives, the President, and the executive departments. The presiding officer will present these messages to the Senate to allow it to take any action which may be necessary.¹²

Committee Organization

The committee assignment process begins prior to the convening of a new Congress and mostly within the party groups—the Republican and Democratic conferences. The only action visible on the chamber floor is the adoption of resolutions agreed upon by the party conferences. The adoption of both resolutions is routine and occurs without amendment, because of the tacit understanding that each party has a right to establish its own internal distribution of work without amendment from the other.¹³ Although the Senate did not take up any of these committee assignment resolutions on the opening day of the 106th Congress, it did so a short time later.¹⁴

¹² On the first day of the 106th Congress, the Senate received a message from the House announcing that it had impeached the President and adopted articles of impeachment which the House managers had been instructed to carry to the Senate. See “Messages from the House Received Subsequent to Sine Die Adjournment,” *Congressional Record*, daily edition, vol. 145, Jan. 6, 1999, pp. S14-S15.

¹³ Note, however, that each party must abide by certain rules in the assignment process. See: U.S. Library of Congress, Congressional Research Service, *Senate Rules and Practices on Committee and Subcommittee Assignment Limitations as of October 29, 1998*, by Judy Schneider, CRS Report 98-912 GOV (Washington: Nov. 2, 1998).

¹⁴ Sen. Jeff Sessions, “Majority Party Memberships,” and “Minority Party Memberships,” *Congressional Record*, daily edition, vol. 145, Jan. 7, 1999, pp. S42-S43.