Congressional Research Service
Informing the legislative debate since 1914

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

name redacted
Senior Specialist in American National Government

name redacted
Specialist on the Congress

October 21, 2016

Congressional Research Service
7-....
www.crs.gov
RS20722

CRS REPORT
Prepared for Members and
Committees of Congress

Summary

The Constitution mandates that Congress convene at noon on January 3, unless the preceding Congress by law designated a different day. P.L. 113-201 set January 6, 2015, as the convening date of the 114th Congress. (A decision on convening the 115th Congress is expected during the "lame-duck" meeting of the 114th Congress.)

The Senate follows a well-established routine on the opening day of a new Congress. The proceedings include

- swearing in Senators elected or re-elected in the most recent general election or newly appointed to the convening Senate (approximately one-third of the Senate);
- establishing the presence of a quorum;
- adopting administrative resolutions;
- adopting standing orders for the new Congress;
- agreeing by unanimous consent to any date, other than the convening date, on which bills and joint resolutions may begin to be introduced; and
- electing a new President pro tempore and one or more Senate officers if there is a vacancy or a change in party control.

The majority and minority leaders usually make welcoming remarks during the day's proceedings. If an election to a Senate seat is undecided or subject to consideration by the Senate, the majority leader and other Senators might address the Senate's posture on that election.

Other first-day activities may occur as a consequence of specific circumstances, such as providing for a joint session with the House to count electoral votes after a presidential election. After Senators are sworn or after organizational proceedings are completed, the Senate may turn to legislative or executive business or other activities.

Following their official swearing-in on the Senate floor, newly sworn Senators gather with their families in the Old Senate Chamber for ceremonial swearing-ins with the Vice President or another official of their choosing. The ceremonial swearing-ins may be photographed and recorded.

Negotiations between parties over committee sizes and ratios, committee assignments, and any party leadership changes may begin during the early organization meetings for the new Senate, which occur in November and December following a general election. The committee assignment process may continue after the beginning days of a new Congress. At some time, usually other than opening day, the Senate adopts committee assignment resolutions. Any changes in Senate party leadership take place in respective party conference meetings. There are no floor votes to ratify party leadership changes.

This report will be updated after the convening of the 115th Congress. For an explanation of proceedings occurring on the first day in the House of Representatives, see the companion report: CRS Report RL30725, *The First Day of a New Congress: A Guide to Proceedings on the House Floor*, by (name redacted) and (name redacted) .

Contents

The Senate Convenes 1
Oath of Office and Quorum 2
Notification to the President and the House 3
Election of the President Pro Tempore 4
    Party Leadership 4
Election of Officers 5
Daily Meeting Time of the Senate 5
Other First-Day Floor Activities 5
Committee Organization 9

Contacts

Author Contact Information 9

The Senate Convenes

The Twentieth Amendment to the Constitution directs that a new Congress convene at noon on January 3 in each odd-numbered year, unless the preceding Congress has by law designated a different day for the new Congress's convening. On November 20, 2014, the 113th Congress completed action on H.J.Res. 129, setting the convening date for the 114th Congress as January 6, 2015. The joint resolution was signed into law by President Obama on December 4 (P.L. 113-201). (A decision on convening the 115th Congress is expected during the "lame-duck" meeting of the 114th Congress.)

In recent years, it has been the exception rather than the rule for a new Congress to begin on January 3. Nine of the past 11 Congresses began on a date other than January 3—

- 104th Congress (January 4, 1995),
- 105th Congress (January 7, 1997),
- 106th Congress (January 6, 1999),
- 108th Congress (January 7, 2003),
- 109th Congress (January 4, 2005),
- 110th Congress (January 4, 2007),
- 111th Congress (January 6, 2009),
- 112th Congress (January 5, 2011), and
- 114th Congress (January 6, 2015).

The 107th and 113th Congresses were the only ones of these 11 to begin on January 3, convening January 3, 2001, and January 3, 2013, respectively.[1]

The Vice President presides when the Senate first convenes; the Senate chaplain offers a prayer and the Vice President leads the Senate in the Pledge of Allegiance.[2] The Vice President then announces the receipt of the certificates and credentials of election of Senators who were newly elected or re-elected in the most recent general election, and of certificates of appointment for Senators newly appointed to fill a vacancy. The reading of these documents is waived by unanimous consent, and they are printed in full in the *Congressional Record*.[3]

---

[1] No law like P.L. 113-201 was enacted to set the convening date of the 107th Congress or the 113th Congress because their convening was planned for the constitutionally anticipated date of January 3.

[2] For an explanation of who is seated on and near the dais in the Senate, see CRS Report 98-397, *Guide to Individuals Seated on the Senate Dais*, by (name redacted) .

[3] See The Vice President, "Certificates of Election," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. S1-S4. Senators appointed since the most recent election may also be sworn in when the Senate convenes. For example, Senator Jim DeMint of South Carolina had been elected to the Senate in 2010, and announced his resignation on December 6, 2012, effective January 1, 2013. Representative Tim Scott was appointed on December 17, 2012, to fill the vacancy and was sworn in on January 3, 2013. Later, Senator Scott was a successful candidate on November 4, 2014, to complete the unexpired term and was elected. He was sworn in December 2, 2014. Senators might also have been elected in the preceding general election to complete the term or a Senator who resigned or died. Representative James Lankford of Oklahoma was elected November 4, 2014, to complete the final two years of Senator Tom Coburn's term, who on January 16, 2014, announced that he would resign after the conclusion of the 113th Congress. For background on Senator Coburn's resignation, see Senator Tom Coburn, "Letter in Relation to Resignation," letter, *Congressional Record*, daily edition, vol. 160 (November 19, 2014), pp. S6141-S6142; and Niels Lesniewski, "Coburn Will Retire after 113th Congress," January 17, 2014, available at http://www.cq.com/doc/hsnews-4410041?11&search=90J93CH1.

(continued...)

Oath of Office and Quorum

The first order of business in a new Senate is the swearing-in of Senators elected or re-elected in the most recent general election and of newly appointed Senators.[4] On occasion in recent years, the majority leader or the majority and minority leaders might first be recognized for brief remarks.[5] If there is a contested or undecided Senate election, the leadership might provide a status report and plan for its resolution, before or after Senators are sworn in.[6]

After the Vice President lays the certificates of election and appointment before the Senate and states that their reading will be waived if there is no objection,[7] he calls those Senators to the front of the chamber, generally in alphabetical order in groups of four, to take the oath and to also

(...continued)

In the 113th Congress, three vacancies had been filled by appointees who were not candidates for election to six-year terms on November 4, 2014. The new Senators sworn in on January 6, 2015 were Edward Markey of Massachusetts (a U.S. Representative who replaced Senator William "Mo" Cowan, who completed the term of Senator John Kerry, who had resigned to become Secretary of State); Cory Booker of New Jersey (who replaced Senator Jeff Chiesa, who completed the term of Senator Frank Lautenberg, who had died); and Steve Daines of Montana (a U.S. Representative who replaced Senator John Walsh, who completed the term of Senator Max Baucus, who had resigned to become U.S. ambassador to the People's Republic of China). An appointed Senator, Brian Schatz of Hawaii, had been sworn in on December 2, 2014, for the unexpired term of Senator Daniel Inouye, who had died.

Senators elected to fill a vacancy may also have already been sworn in. For example, Christopher Coons of Delaware won the general election in 2010 to complete the final four years of the term of Senator Joseph Biden, who had been elected Vice President in 2008. An appointee to the seat, Senator Edward Kaufman, did not run for election. Senator Coons was sworn in November 15, 2010. Similarly, upon the death of Senator Robert Byrd, West Virginia Governor Joe Manchin appointed Carte Goodwin, who indicated he would not be a candidate for election to the balance of Senator Byrd's term. Subsequently, Governor Manchin announced his candidacy, won election, and was sworn in November 15, 2010.

Representative Mark Kirk of Illinois, however, won both a special election and a new term in the general election of 2010. He was sworn in November 29, 2010, to complete the term (expiring January 3, 2011) of Senator Barack Obama, who had been elected President in 2008. Senator Kirk was then sworn in January 5, 2011, for a six-year term concluding January 3, 2017. An appointee to the seat, Senator Roland Burris, was not a candidate for election. Representative Kirsten Gillibrand had been appointed to fill the vacancy in the 111th Congress created by the appointment of Senator Hillary Clinton to become Secretary of State. When she won election to the 112th Congress, Senator Gillibrand completed her service in the 111th Congress and was sworn in on January 5, 2011, to serve the remaining two years of the Clinton seat's tenure.

For information on filling Senate vacancies, see CRS Report R40421, *Filling U.S. Senate Vacancies: Perspectives and Contemporary Developments*, by (name redacted) ; and CRS Report R41031, *Beginning and End of the Terms of United States Senators Chosen to Fill Senate Vacancies*, by (name redacted)

[4] See CRS Report R41946, *Qualifications of Members of Congress*, by (name redacted)

[5] See, for example, Senators Tom Daschle and Trent Lott, "A Historic Day," *Congressional Record*, vol. 147, part 1 (January 3, 2001), pp. 1-2.

[6] See, for example, Senator Trent Lott, "Louisiana Election Contest," *Congressional Record*, vol. 143, part 1 (January 7, 1997), p. 5. As Majority Leader Lott explained, Senator-elect Mary Landrieu would be seated "without prejudice" to the Senate's ongoing investigation to determine the outcome of the Louisiana Senate election. By way of contrast, the majority and minority leaders commented very briefly on the undecided Minnesota Senate election between Al Franken and Senator Norm Coleman, which was under consideration by the Minnesota state courts. Senator Harry Reid, "Welcoming the 111th Congress," *Congressional Record*, vol. 155, part 1 (January 6, 2009), p. 45; and Senator Mitch McConnell, "Minnesota Senate Race," *Congressional Record*, vol. 155, part 1 (January 6, 2009), p. 49. See also CRS Report R40105, *Authority of the Senate Over Seating Its Own Members: Exclusion of a Senator-Elect or Senator-Designate*, by (name redacted)

[7] Forms of certificates of election and appointment of Senators appear in Senate Rule II.

"subscribe to the oath" in the official oath book.[8] Each Senator may be accompanied by the other Senator from his or her state, the Senator he or she is replacing, or a former Senator.[9]

The oath, which is the same for Representatives and executive and judicial appointees, is as follows:

> I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

An oath is mandated by Article VI of the Constitution; its text is set by statute (5 U.S.C. 3331).[10]

When Senators take the oath, they raise their right hand to swear or affirm, repeating after the Vice President. Many Senators hold a family Bible or another item,[11] and some hold nothing. There is no requirement that a Bible or anything else be used when the oath is taken.

When the Vice President (or another individual of a Senator's choosing) and individual Senators subsequently re-enact the swearing-ins in the Old Senate Chamber with the Senator's family, each Senator might hold a Bible, another item, or nothing in his or her left hand. Although photography is not permitted on the Senate floor, photographers are present for the ceremonial swearing-in. Individuals might also record a ceremonial swearing-in.

After the Senators have been sworn in in the Senate chamber, the Vice President recognizes the majority leader, who notes the absence of a quorum. The Vice President directs the Senate clerk to call the roll, and all Senators are normally present to respond, fulfilling the constitutional requirement that a quorum be present to conduct business.[12]

Notification to the President and the House

The majority leader offers simple resolutions that the President (S.Res. 1 , 114th Congress) and the House (S.Res. 2 , 114th Congress) be formally notified that a quorum of the Senate is assembled and ready to proceed to business. Subsequently, pursuant to the resolution providing for

---

[8] Each Senator is allowed to keep the pen he or she uses to sign the historic oath book, which contains the signatures of all U.S. Senators dating from the period after the Civil War. A Senator signs this book each time he or she takes the oath of office. See http://www.senate.gov/artandhistory/history/common/briefing/Oath_Office.htm#3.

[9] Senate Historian Richard A. Baker, *Traditions*, 110th Cong., 1st sess., S.Pub. 110-11 (Washington, DC: Senate Office of Printing and Document Services, 2007), pp. 3-4, available at http://www.senate.gov/reference/resources/pdf/Traditions.pdf. (Hereafter *Traditions*.)

[10] The President's oath is set forth in the Constitution (U.S. Const. art. II, § 1, cl. 7).

[11] *Traditions*, pp. 3-4.

[12] A quorum is the number of Members required to be present in each house for the transaction of business. Under the Constitution (U.S. Const. art. I, § 5, cl. 1), a quorum in each house is a majority of the Members: 51 in the Senate and 218 in the House, assuming no vacancies. For an explanation of quorum requirements in the Senate, see CRS Report 98-775, *Quorum Requirements in the Senate: Committee and Chamber*, coordinated by (name redacted) . A Senator might be absent on opening day due to illness, family needs, or another reason.

Senators also choose desk locations in the Senate chamber, based on party and seniority; certain specific desks are available by resolution to specific Senators, for example, the desk of Henry Clay is provided to the senior Senator from Kentucky. See http://www.senate.gov/artandhistory/art/special/Desks/hdetail.cfm?id=4; and *Traditions*, pp. 7-8. Seating plans may be found at http://www.senate.gov/artandhistory/art/special/Desks/chambermap.cfm. New majority-party Senators preside over most hours of Senate session after they are sworn in. See *Traditions*, pp. 17-18 and 15-16.

notification of the President, the House and Senate leadership telephone the President with the news that a quorum of each house of Congress has assembled and is prepared to begin its work.[13]

Election of the President Pro Tempore

As provided by the Constitution, the President pro tempore is chosen by the Senate to preside during the absence of the Vice President.[14] Referred to as the President pro tem, this majority-party Senator usually has his party's longest continuous Senate service.[15]

When there is a change in party control of the Senate, or when a vacancy in the office of President pro tempore occurs, a new President pro tempore is elected by simple resolution and then escorted to the front of the chamber to be sworn in by the Vice President. Afterwards, the Senate adopts simple resolutions to notify the House and the President of the election of the President pro tempore.[16]

Party Leadership

Any changes in Senate party leadership take place in the respective party conference meetings prior to opening day or, if there is a vacancy, at another time. No floor votes are needed to ratify these changes.[17]

---

[13] See "Informing the President of the United States That a Quorum of Each House Is Assembled," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. S6.

[14] U.S. Const. art. I, § 3, cl. 5. The Vice President, named in clause 4 as the President of the Senate, usually presides only on opening day, during ceremonial occasions, and when needed to cast a tie-breaking vote. The Vice President also sometimes presides at the request of the majority or minority.

[15] The President pro tempore holds his office during his Senate term and is not reelected at the beginning of a new Congress. For information on this office, see CRS Report RL30960, *The President Pro Tempore of the Senate: History and Authority of the Office*, by (name redacted).

[16] When the majority party in the Senate switched with the Senate's convening for the 114th Congress in 2015, a Senator of the new majority party was elected as President pro tempore (S.Res. 3). See "Electing Orrin G. Hatch To Be President Pro Tempore of the Senate of the United States," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. S6. The Senate then immediately adopted resolutions to thank Senator Patrick Leahy for his service as President pro tempore (S.Res. 6) and to notify the President (S.Res. 4) and the House (S.Res. 5) of Senator Hatch's election as President pro tempore.

In the preceding decade, the election of a new President pro tempore had been occasioned by a change in party control of the Senate and by the deaths of two Presidents pro tempore. See, "Election of the Honorable Robert C. Byrd as President Pro Tempore," *Congressional Record*, vol. 153, part 1 (January 4, 2007), pp. 65-66, including adoption of S.Res. 4 and S.Res. 5 (110th Cong.) to notify the President and the House, respectively, of the election of the President pro tempore. In 2007, where the election of Senator Byrd was occasioned by the change in party majority in the Senate, the Senate also adopted a resolution (S.Res. 6) (110th Cong.) thanking the outgoing President pro tempore and appointing him President pro tempore emeritus. "Expressing the Thanks of the Senate to Senator Ted Stevens and Designating President Pro Tempore Emeritus," *Congressional Record*, vol. 153, part 1 (January 4, 2007), p. 66. See, subsequently, "Electing Senator Daniel K. Inouye President Pro Tempore," *Congressional Record*, vol. 156, part 8 (June 28, 2010), p. 11819, for the election of a new President pro tempore upon Senator Byrd's death; and "Electing Patrick J. Leahy President Pro Tempore," *Congressional Record*, daily edition, vol. 158 (December 17, 2012), p. S8089, upon Senator Inouye's death.

[17] For information on organizational meetings held prior to the formal start of a new Congress, see CRS Report RS21339, *Congress's Early Organization Meetings*, by (name redacted). See also CRS Report RL30567, *Party Leaders in the United States Congress, 1789-2015*, by (name redacted).

Election of Officers

Since the Senate is a continuing body, its officers—the secretary of the Senate, sergeant at arms and doorkeeper, chaplain, and majority and minority party secretaries—do not need to be reelected on the opening day of a new Congress.[18] However, when there is a change in party control or a vacancy at the beginning of a Congress, any new officers are approved by the full Senate. The Senate filled a vacancy at the beginning of the 112th Congress in electing a new secretary for the (Democratic) majority. (Party secretaries are approved by their party conferences and then elected by the Senate.) In addition, since the Senate's legal counsel and deputy legal counsel are typically appointed by the President pro tempore for the duration of only two Congresses, they are appointed or reappointed every four years and simple resolutions adopted effecting the appointments.[19]

When party control of the Senate switched with its convening in 2015, the Senate elected a new secretary and sergeant at arms, elected the majority and minority secretaries (since their roles had changed), and, as already indicated, effected the appointments of the legal counsel and deputy legal counsel for the 114th and 115th Congresses. The Senate also adopted simple resolutions to notify the President and the House of the election of the secretary and sergeant at arms.[20]

Daily Meeting Time of the Senate

The Senate establishes its daily hour of meeting by a simple resolution, which must be renewed each Congress. This resolution is usually offered by the majority leader.[21]

Other First-Day Floor Activities

Other organizational business is taken up on the Senate floor on the first day. At the beginning of the 114th Congress, as in preceding Congresses, the Senate adopted en bloc by unanimous consent 11 standing orders for the duration of one Congress.[22] These standing orders addressed—

---

[18] See CRS Report 98-747, *Secretary of the Senate: Legislative and Administrative Duties*, by (name redacted) CRS Report 98-748, *Sergeant at Arms and Doorkeeper of the Senate: Legislative and Administrative Duties*, by (name red acted); and CRS Report R41807, *House and Senate Chaplains: An Overview*, by (name redacted) See also CRS Report RS20544, *The Office of the Parliamentarian in the House and Senate*, by (name redacted) ; and CRS Report RS22891, *Office of Senate Legal Counsel*, by (name redacted) . Some information on party secretaries may be found at http://www.senate.gov/artandhistory/history/common/briefing/party_secretaries.htm.

[19] "Electing Gary B. Myrick as the Secretary for the Majority," *Congressional Record*, vol. 157, part 1 (January 5, 2011), p. 15. If a vacancy occurs during a two-year Congress, it may be filled at that time. When David Schiappa resigned as minority secretary on August 1, 2013, the Senate elected Laura Dove to the position. See "Electing Laura C. Dove as Secretary for the Minority of the Senate," *Congressional Record*, daily edition, vol. 159, August 1, 2013, p. S6259. The Senate legal counsel (S.Res. 16) and deputy legal counsel (S.Res. 17) were appointed to four-year terms on the opening day of the 114th Congress: "Appointment of Senate Legal Counsel," and "Appointment of Deputy Senate Legal Counsel," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. S8.

[20] See "Electing Julie Adams as the Secretary of the Senate," et seq., *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. S7-S8. See also S.Res. 8 – S.Res. 15 (114th Cong.); and the Senate website at http://www.senate.gov/pagelayout/reference/e_one_section_no_teasers/org_chart.htm.

[21] See, S.Res. 7 (114th Cong.), agreed to in the Senate January 6, 2015. See also CRS Report 98-865, *Flow of Business: A Typical Day on the Senate Floor*, by (name redacted) .

[22] Senator Mitch McConnell, "Unanimous Consent Agreements," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. S8-S9.

- meetings of the Select Committee on Ethics;
- limiting roll-call votes to 15 minutes;
- authorizing Senators to present reports at the desk;
- allowing 10 minutes daily to each party leader (so-called leader time);
- forgoing the printing of conference reports and joint explanatory statements when they are printed as House reports;
- allowing the Appropriations Committee to file reports during an adjournment or recess of the Senate;
- authorizing the secretary of the Senate to make technical and clerical corrections to engrossments of Senate-passed bills, resolutions, and amendments;
- during an adjournment or recess of the Senate, authorizing the secretary of the Senate to receive presidential messages and, except for House legislation, House messages, and authorizing the President pro tempore to sign enrollments;
- allowing Senators to designate two staff members for floor access during the Senate's consideration of specific matters;
- allowing treaties and nominations to be referred when received; and
- permitting Senators to introduce bills and resolutions by taking them to the desk.

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. The Senate has interpreted the constitutional arrangement to mean that it is a continuing body, since a quorum is always sitting, and that it therefore does not have to organize itself with each new Congress, as does the House of Representatives.[23] One consequence, among others, of this interpretation is that the Senate does not adopt or re-adopt its rules when a new Congress convenes, this interpretation meaning that the rules continue in effect from one Congress to the next.[24]

[23] See CRS Report RL30788, *Parliamentary Reference Sources: Senate*, by (name redacted) and (name redacted); and CRS Report 98-503, *Publications of the U.S. Senate*, by (name redacted) .

[24] Senate Rule V, para. 2. The modern history of this attribute of the Senate is traced in Floyd M. Riddick and Alan S. Frumin, *Riddick's Senate Procedure*, 101st Cong., 2nd sess., S.Doc. 101-28 (Washington, DC: GPO, 1992), pp. 1220-1224. An assertion to the contrary has been that the Senate may amend its rules by majority vote when the Senate of a new Congress convenes, without a two-thirds vote as provided in Senate Rule XXII to cut off a filibuster against a rules change. See Senator Tom Udall, "Senate Rules Changes," *Congressional Record*, daily edition, vol. 159 (January 3, 2013), pp. S10-S12. Debate over potential rules changes in the 113th Congress occurred on January 3 and culminated in the Senate's adoption by wide margins of S.Res. 15 and S.Res. 16 on January 24. See Senators' remarks and debate on the resolutions beginning with Senator Tom Harkin, "The Filibuster," *Congressional Record*, daily edition, vol. 159 (January 24, 2013), p. S247, and continuing through p. S274. See CRS Report R42996, *Changes to Senate Procedures at the Start of the 113th Congress Affecting the Operation of Cloture (S.Res. 15 and S.Res. 16)*, by (name redacted) (The Senate later in the 113th Congress created a new precedent related to the filibuster of nominations. See "Rules Reform," *Congressional Record*, daily edition, vol. 159 (November 21, 2013), pp. S8414-S8418. See also CRS Report R43331, *Majority Cloture for Nominations: Implications and the "Nuclear" Proceedings*, by (name redacted) .) See also Senator Tom Udall, "Amending Senate Rules," *Congressional Record*, vol. 157, part 1 (January 5, 2011), pp. 35-38. Debate over amending Senate rules at the beginning of the 112th Congress occurred over four days: January 5, 25, 26, and 27, 2011. See the *Congressional Record* for those days. Senator Udall offered a resolution governing the filibuster (S.Res. 20) on the opening day of the 114th Congress, which he and Senator Jeff Merkley discussed on the floor. Senator Tom Udall, "Resolution Over, Under the Rule—S.Res. 20," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. S23-S26. See also CRS Report R42928, *"First Day" Proceedings and Procedural Change in the Senate*, by (name redacted) .

The Democratic and Republican leaders might address the Senate, possibly describing highlights of the legislative schedule ahead or discussing other pertinent issues.[25] Sometimes on the first day, the Senate might also adopt a concurrent resolution providing for a January adjournment or for the joint session at which Congress will receive the President's State of the Union address.[26] The Senate might also by unanimous consent set an initial date other than the convening day on which bills and joint resolutions may be introduced.[27]

Other first-day activities might occur as a consequence of specific circumstances. For example, following a presidential election, the Senate must adopt a concurrent resolution to meet in joint session with the House to count the electoral votes for the President and Vice President,[28] continue the Joint Congressional Committee on Inaugural Ceremonies, and permit use of the Capitol for inaugural activities.[29] On the first day of the 106th Congress, there were several announcements and a discussion related to the pending impeachment trial of President Bill Clinton.[30]

In the 112th Congress, one of the first matters the Senate took up after Senators were sworn was a simple resolution (S.Res. 4) honoring Senator Barbara Mikulski "for becoming the longest-serving female Senator in history."[31] The Senate also agreed to S.Con.Res. 2, allowing the Capitol Rotunda to be used for a commemorative ceremony marking the 50th anniversary of the inaugural address of President John F. Kennedy.[32] Finally, Majority Leader Harry Reid and Minority Leader Mitch McConnell agreed that the Senate should establish a working group under the chair and ranking minority member of the Senate Rules Committee to streamline the confirmation process for nominees to lower-level executive branch positions.[33]

---

[25] For the opening-day remarks of the leaders of the 114th Congress, see Senator Mitch McConnell, "Welcoming Members of the Senate and Wishing Senator Reid a Speedy Recovery," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. S9; and Senator Dick Durbin, "The New Congress," p. S9. Senator Harry Reid, the minority leader, was absent following an injury. See Niels Lesniewski, "Reid Suffers Broken Ribs in Workout Accident," *CQ News*, January 2, 2015, available at http://www.cq.com/doc/news-4596844?3&search=ZcT1KR2N.

The majority leader might also have been recognized earlier in the day's proceedings for a special purpose. See, for example, Senator Bill Frist, "Moment of Silence for Tsunami Victims," *Congressional Record*, vol. 151, part 1 (January 4, 2005), p. 1.

[26] See S.Con.Res. 3 (113th Cong.), agreed to in the Senate January 3, 2013.

[27] See Senator Harry Reid, "Introduction of Bills and Joint Resolutions," *Congressional Record*, daily edition, vol. 159 (January 3, 2013), p. S7. See also CRS Report 98-429, *The Senate's Calendar of Business*, coordinated by (name reda cted) .

[28] See S.Con.Res. 1 (113th Cong.), agreed to in the Senate January 3, 2013. See "Providing for the Counting of Electoral Votes for President and Vice President of the United States," *Congressional Record*, daily edition, vol. 159, January 3, 2013, pp. S6-S7. See also CRS Report RL32717, *Counting Electoral Votes: An Overview of Procedures at the Joint Session, Including Objections by Members of Congress*, by (name redacted) and (name redacted)

[29] See S.Con.Res. 2 (113th Cong.), agreed to in the Senate January 3, 2013. See "Extending the Life of the Joint Congressional Committee on Inaugural Ceremonies," *Congressional Record*, daily edition, vol. 159 (January 3, 2013), p. S7.

[30] Senator Trent Lott, "The Public's Access to the Impeachment Proceedings," "Unanimous-Consent Agreement—Senate Access," and "Senate Agenda," *Congressional Record*, vol. 145, part 1 (January 6, 1999), pp. 8-11.

[31] "Honoring Senator Mikulski as She Becomes the Longest Serving Female Senator," *Congressional Record*, vol. 157, part 1 (January 5, 2011), pp. 6-15 and 19-21.

[32] "Senate Concurrent Resolution 2—Authorizing the Use of the Rotunda of the Capitol for an Event Marking the 50th Anniversary of the Inaugural Address of President John F. Kennedy," *Congressional Record*, vol. 157, part 1 (January 5, 2011), p. 71.

[33] "Working Group—Lower Level Executive Nominations, *Congressional Record*, vol. 157, part 1 (January 5, 2011), p. 16. See also S.Res. 116 (112th Cong.), agreed to in the Senate June 29, 2011, establishing a standing order on privileged nominations entitle to expedited procedures; and P.L. 112-166, the Presidential Appointment Efficiency and (continued...)

In the 114th Congress, the majority leader immediately began proceedings to introduce and bring to the floor S. 1, to approve the Keystone XL pipeline. The majority leader obtained unanimous consent to allow bills and resolutions to be introduced until 4:00 p.m., notwithstanding the Senate's adjournment before that time on its day of convening.[34] He also sought, but did not receive, unanimous consent to make initial majority and minority assignments to the Energy and Natural Resources Committee.[35] He began the process under Senate Rule XIV to place S. 1 directly on the Senate Calendar.[36] Separately, the majority leaders with all other 99 Senators as cosponsors agreed to a resolution (S.Res. 19) expressing the sorrow of the Senate upon the death of former Senator Edward W. Brooke III, who was also a recipient of the Presidential Medal of Freedom and the Congressional Gold Medal.

After the Senate has completed its organizational proceedings, it may turn to other activities it has agreed to undertake, such as the introduction and reference of legislation, speeches, and appointments.[37] In addition, following the sine die adjournment of the preceding Congress through the convening of the new Congress, the secretary of the Senate will have received, in the Senate's behalf, messages from the House of Representatives,[38] the President, and executive departments and agencies.[39] The Senate also receives new messages, such as from the House on its convening and election of the Speaker and its officers.[40] On the first day of a new Congress, messages will be disposed of, typically by reference to the relevant committee.

Certain administrative notices might also appear in the opening-day *Congressional Record*.[41] Certain records might also appear in the opening-day *Congressional Record*.[42]

(...continued)

Streamlining Act of 2011. See also CRS Report CRS Report R41872, *Presidential Appointments, the Senate's Confirmation Process, and Changes Made in the 112th Congress*, by (name redacted); and CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by (name redacted) .

[34] Senator Mitch McConnell, "Order for Record To Remain Open," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), pp. S22-S23.

[35] Initial assignment resolutions were adopted the next day. See, immediately below, "Committee Organization."

[36] Senator Mitch McConnell, "Unanimous Consent Request—Energy and Natural Resources Committee," *Congressional Record*, daily edition, vol. 161 (January 6, 2015), p. S9. See CRS Report RS22309, *Senate Rule XIV Procedure for Placing Measures Directly on the Senate Calendar*, by (name redacted) .

[37] See CRS Report 96-548, *The Legislative Process on the Senate Floor: An Introduction*, by (nameredacted) . See also CRS Report 98-728, *Bills, Resolutions, Nominations, and Treaties: Characteristics, Requirements, and Uses*, by (name redacted); CRS Report 98-706, *Bills and Resolutions: Examples of How Each Kind Is Used*, by (name redacted).: and CRS Report RS20617, *How Bills Amend Statutes*, by (name redacted). The Senate might pass legislation if it allowed it to be introduced. See, for example, "Robert T. Stafford White Rocks National Recreation Area," *Congressional Record*, vol. 153, part 1 (January 4, 2007), pp. 267-270. See also "Provision of a 5-Month Extension of the Temporary Extended Unemployment Compensation Act of 2002," *Congressional Record*, vol. 149, part 1 (January 7, 2003), p. 70.

[38] See "Messages from the House Subsequent to Sine Die Adjournment," *Congressional Record*, daily edition, vol. 161, January 6, 2015, p. S10.

[39] See "Executive and Other Communications," *Congressional Record*, daily edition, vol. 159, January 3, 2013, p. 13. See also: The President is required by law (2 U.S.C. §2a(a)) to inform the Senate and House of Representatives of the apportionment of seats in the House following the decennial census. Upon the convening of the 112th Congress, this message was received from the President and referred to the Committee on Homeland Security and Governmental Affairs. "Report of the Apportionment Population for Each State as of April 1, 2010, and the Number of Representatives to Which Each State Would Be Entitled—PM 1," *Congressional Record*, vol. 157, part 1 (January 5, 2011), pp. 64-65. See also "Removal of Injunction of Secrecy—Treaty Document No. 107-1," *Congressional Record*, vol. 147, part 1 (January 3, 2001), p. 15.

[40] See "Messages from the House," *Congressional Record*, daily edition, vol. 159, January 3, 2013, S13.

[41] See, for example, "Notice: Registration of Mass Mailings," *Congressional Record*, vol. 157, part 1 (January 5, 2011), (continued...)

Committee Organization

Negotiations between parties over committee sizes and ratios and separate committee assignment processes begin prior to the convening of a new Congress, and mostly within the party groups—the Democratic and Republican Conferences.[43] The only action visible on the chamber floor is the subsequent adoption of simple resolutions assigning Senators from each party to committees agreed upon by the respective party conference. The adoption of both parties' resolutions is routine.[44]

Committee assignment resolutions are not normally considered on the opening day of a new Congress, but later in January. On the opening day of the 107th Congress, an assignment resolution was taken up to designate committee chairs, pending an agreement on the organization of the Senate under the special circumstance of 50 Democratic and 50 Republican Senators.[45] Committee funding resolutions (S.Res.) are also considered later in February or early March.[46]

Author Contact Information

(name redacted)
Senior Specialist in American National Government
[redacted]@crs.loc.gov , 7-....

(name redacted)
Specialist on the Congress
[redacted]@crs.loc.gov , 7-....

Acknowledgments

This report was originally developed and maintained over many years by Mildred Lehmann Amer, a specialist on the Congress. Mrs. Amer has retired from the Congressional Research Service.

(...continued)

p. 71.

[42] See "Foreign Travel Financial Reports," *Congressional Record*, vol. 151, part 1 (January 4, 2005), p. 31.

[43] For information on organizational meetings held prior to the formal start of a new Congress, see CRS Report RS21339, *Congress's Early Organization Meetings*, by (name redacted). See also CRS Report RL34752, *Senate Committee Party Ratios: 98th-114th Congresses*, by (name redacted) and (name redacted) .

[44] See CRS Report RL30743, *Committee Assignment Process in the U.S. Senate: Democratic and Republican Party Procedures*, by (name redacted); CRS Report 98-183, *Senate Committees: Categories and Rules for Committee Assignments*, by (name redacted); and CRS Report 98-635, *Assignments to Senate Subcommittees*, by (name redacted). Initial assignments to committees for the 114th Congress occurred on January 7, 2015, with the adoption of a majority committee assignments resolution (S.Res. 21) and the minority committee assignments resolution (S.Res. 22).

[45] Senator Tom Daschle, "Senate Resolution 7—Designating the Chairmen of the Following Senate Committees," *Congressional Record*, vol. 147, part 1 (January 3, 2001), pp. 14-15. Committee assignments were made on the opening day of the 104th Congress, however. See "A Resolution Making Majority Party Appointments to Certain Senate Committees for the 104th Congress," and "To Make Minority Appointments to Senate Committees under Paragraph 2 of Rule XXV for the One Hundred and Fourth Congress," *Congressional Record*, vol. 141, part 1 (January 5, 1995), p. 8.

[46] See CRS Report R43160, *Senate Committee Funding: Description of Process and Analysis of Disbursements*, by (name redacted) and (name redacted); and CRS Report R40424, *Senate Committee Expenditures Resolutions, 114th Congress, and Funding Authorizations Since 1999*, by (name redacted) .

EveryCRSReport.com

The Congressional Research Service (CRS) is a federal legislative branch agency, housed inside the Library of Congress, charged with providing the United States Congress non-partisan advice on issues that may come before Congress.

EveryCRSReport.com republishes CRS reports that are available to all Congressional staff. The reports are not classified, and Members of Congress routinely make individual reports available to the public.

Prior to our republication, we redacted names, phone numbers and email addresses of analysts who produced the reports. We also added this page to the report. We have not intentionally made any other changes to any report published on EveryCRSReport.com.

CRS reports, as a work of the United States government, are not subject to copyright protection in the United States. Any CRS report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS report may include copyrighted images or material from a third party, you may need to obtain permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

Information in a CRS report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to members of Congress in connection with CRS' institutional role.

EveryCRSReport.com is not a government website and is not affiliated with CRS. We do not claim copyright on any CRS report we have republished.