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This Lame Duck Session Should Be the Last

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Americans ought to make this lame duck session of Congress the last in history. Members who lose re-election have no moral authority to continue governing: They were fired by the voters, who should demand that they clean out their desks and go home.

On Nov. 2, the voters replaced the Democratic majority in the House of Representatives with at least 61 new Republican members who campaigned on lower spending and less government power. Allowing members who were not re-elected to legislate national policy or set the 2011 federal budget is like allowing a fired employee to run the office another two months, or letting your ex-spouse continue managing your checkbook.

Lame duck sessions were unavoidable before jet planes. The framers of the U.S. Constitution provided 17 weeks for newly elected members to travel to the capital and take their seats on March 3. That was the 18th century.

In 1933, Americans ratified the 20th Amendment to eliminate lame duck sessions. It set Jan. 3 as the day newly elected members would take their seats. That still left seven weeks after the election, but no one imagined that the old Congress would return to the capital during that time.

For a half-century, the 20th amendment worked. Except during World War II and the Korean War, Congress did not reconvene after November elections. But for the last two decades, lawmakers have hurried back to the capital after Election Day to deal with spending bills and controversial legislation they deliberately had avoided before the election.

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It's time to fix the problem. Rep. Tom Price (R., Ga.) tried last summer, unsuccessfully offering a resolution proposing Congress not reconvene after Nov. 2, except in the event of an unforeseen national emergency. Mr. Price warned that otherwise a lame duck Democratic majority would try to push through an extravagant 2011 spending bill and controversial policy measures "out of step with mainstream America."

This is exactly what's happening now. The Democratic majority is pushing for an omnibus spending bill totaling \$1.1 trillion.

Discretionary spending soared 24% during the past two years. Republicans want to push it back down to 2008 levels. To achieve this goal, Senate Republicans should filibuster to stop the omnibus spending bill, delaying action until after Jan. 3. Stopping it is vital not only to shrink government spending but also to defund ObamaCare.

The midterm election was in good part a repudiation of ObamaCare. Repeal is unlikely while President Obama remains in office, but the new Republican House majority that will take charge on Jan. 3 can starve the beast.

The Obama health law authorizes spending on many discretionary programs, but each year Congress will have to appropriate money.

If Republicans say "no" to the Democrats' lame duck omnibus bill, then in January Republicans can write numerous, specific appropriations bills that fund federal departments but bar money from being used to implement the new health law. They can prohibit funds appropriated for the Internal Revenue Service from being used to hire agents to enforce compulsory insurance, and bar funds for the Department of Health and Human Services from being used to write ObamaCare regulations.

On Nov. 14, President Obama said Republicans should not carry their election strategy—"all about saying no"—into the lame duck session of Congress, because it will cause gridlock. The president is wrong. The unrepresentative lame duck Congress should do as little as possible. The one exception should be negotiating an extension of the Bush tax rates. That is essential, because otherwise taxpayers will automatically be hit with increases. On every other matter, the less done the better.

When John Boehner, the presumptive House speaker, takes charge in January, he should introduce a bill providing that Congress will not meet between the November 2012 election and Jan. 3, 2013. That simple change in the law will put the voters back where they always belong: in charge.

Ms. McCaughey, a former lieutenant governor of New York state, is the author of "Obama Health Law: What It Says and How to Overturn It" (Encounter Books, 2010).