



MEMORANDUM

March 4, 2016

To: Democratic Policy and Communications Center
Attention: Dan Yoken

From: Maeve P. Carey, Analyst in Government Organization and Management, 7-7775
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Subject: **Matters Approved by the Senate through the end of February, second session, in the 100th to 114th Congresses**

This memorandum responds to your request for the number of matters the Senate approved through the end of February 2016 compared to the number approved over a similar time period in the previous 14 Congresses. More specifically, **Table 1** presents the number of bills and joint resolutions passed by the Senate as well as the number of U.S. Supreme Court Justices, U.S. district and circuit judges, and other civilian nominees confirmed each Congress through the end of February in the second session since 1988.

The number of confirmed nominations can vary greatly over the course of a Congress. For example, the Senate is likely to consider many executive branch nominations during the first several months of a Congress that is coincident with a new presidential administration, because of the high number of vacancies that arise during a presidential transition. Largely for this reason, the number of executive nominations confirmed tends to be higher toward the beginning of a new administration. In contrast, nominations to circuit and district court judgeships are typically not confirmed by the Senate until later in a new administration. For example, the first circuit court nominee during President George W. Bush's first year in office was not confirmed until July 2001, while the first circuit court nominee during President Barack Obama's first year in office was not confirmed until September 2009.

You also requested information on the number of lawmaking vehicles—bills (H.R. and S.) and joint resolutions (H.J.Res. and S.J.Res.)—that the Senate has approved in the 114th Congress so far, as well as the number of lawmaking vehicles that the Senate had approved over a similar period in the previous 14 Congresses.¹ These numbers vary from Congress to Congress, and there is no single factor that can be credited with affecting the volume of legislative activity measured simply by bills and joint resolutions approved. Unlike nominations, the start of a new presidential administration does not directly affect the number of measures approved in the beginning of a Congress.

¹ As you requested, simple and concurrent resolutions are not included in **Table 1**. For more information on the different forms of legislation, see CRS Report 98-706, *Bills and Resolutions: Examples of How Each Kind Is Used*, by Richard S. Beth.

The information in **Table 1** was collected from three sources. First, the number of confirmed nominations to the U.S. Supreme Court and to U.S. district and circuit judgeships for each time period was collected from a judicial nominations database maintained internally by CRS. Second, the number of confirmed nominations to other positions was collected from the Senate nominations database of the Legislative Information System (LIS). LIS allows a search that excludes nominations to positions that the Senate has routinely confirmed by unanimous consent, hundreds of nominations at a time.² Such nominations were excluded from the search of LIS at your request, and nominations to the U.S. Supreme Court and to U.S. district and circuit judgeships were excluded because they were collected separately.³ The resulting number presented in column 5 of **Table 1** includes: nominations to both part-time and full-time positions in the executive branch; nominations to certain types of courts established under Article 1 of the Constitution, such as the U.S. Tax Court and the U.S. Court of Appeals for Veterans Claims; and nominations to a small number of positions in the legislative branch, such as the Architect of the Capitol. Column 6 displays the sum of that number plus the number of judicial nominations presented in columns 3 and 4.

Third, the number of House and Senate bills and joint resolutions the Senate approved was collected using the “Resume of Congressional Activity” in the Daily Digest of the *Congressional Record*. The “Resume” reports, at the end of each month, various statistics on congressional action, including how many bills and joint resolutions each chamber approved. For this memorandum, for the 100th through the 113th Congress, CRS consulted the “Resume” for the first session in each respective Congress and the “Resume” from the second session that included data for the period from the start of the second session through the end of February (typically issued in the early days of March).⁴ The number of approved bills and joint resolutions in the 114th Congress was determined from the LIS, searched on March 1, 2016.

² LIS has a category of “Military, Foreign Service, NOAA, and Public Health,” which includes members of the officer corps of the military services, members of the civilian uniformed services of the National Oceanic and Atmospheric Administration and of the Public Health Service, and most Foreign Service positions.

³ Nominations to U.S. district and circuit judgeships were excluded from the tally of other nominations through a search for all confirmed civilian nominations with “received not ‘district judge’ not ‘circuit judge’ not ‘associate justice’ not ‘chief justice’” included in the Words/Phrases search box.

⁴ “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 133 (Dec. 1, 1987), p. D1555 and vol. 134 (Mar. 1, 1988), p. D173; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 136 (Jan. 23, 1990), p. D1 and (Mar. 1, 1990), p. D197; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 137 (Dec. 18, 1991), p. D1555 and vol. 138 (Mar. 2, 1992), p. D193; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 140 (Jan. 25, 1994), p. D1 and (Mar. 1, 1994), p. D177; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 141 (Jan. 3, 1996), p. D1535 and (Mar. 5, 1996), p. D141; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 143 (Dec. 15, 1997), p. D1281 and vol. 144 (Mar. 2, 1998), p. D151; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 145 (Dec. 3, 1999), p. D1337 and vol. 146 (Mar. 1, 2000), p. D149; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 148 (Jan. 29, 2002), p. D24 and (Mar. 4, 2002), p. D165; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 149 (Dec. 15, 2003), p. D1361 and vol. 150 (Mar. 1, 2004), p. D139; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 151 (Dec. 30, 2005), p. D1341 and vol. 152 (Mar. 1, 2006), p. D149; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 153 (Dec. 31, 2007), p. D1674 and vol. 154 (Mar. 3, 2008), p. D217; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 156 (Jan. 5, 2010), p. D3 and (Mar. 1, 2010) p. D165; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 158 (Jan. 3, 2012), p. D3 and (Mar. 1, 2012), p. D175; “Resume of Congressional Activity,” Daily Digest, *Congressional Record*, daily edition, vol. 160 (Jan. 6, 2014), p. D13 and (Mar. 4, 2014), p. D223.

Table I. Nominations and Legislation Approved Through the End of February, 2nd Session
100th through the 114th Congress

Congress	Number of Bills and Joint Resolutions Approved ^a	Civilian Nominations Confirmed			
		Number of Confirmed Nominations to U.S. Supreme Court	Number of Confirmed Nominations to U.S. Circuit and District Court Judgeships	Number of Confirmed Nominations to Executive Branch and Other Positions ^b	Total Civilian Confirmed Nominations
100 th through Feb. 29, 1988	436	1	84	308	393
101 st through Feb. 28, 1990	446	0	70	444	514
102 nd through Feb. 29, 1992	461	1	121	333	455
103 rd through Feb. 28, 1994	348	1	33	569	603
104 th through Feb. 29, 1996	194	0	56	282	338
105 th through Feb. 28, 1998	247	0	41	338	379
106 th through Feb. 29, 2000	340	0	37	245	282
107 th through Feb. 28, 2002	233	0	39	569	608
108 th through Feb. 29, 2004	344	0	70	332	402
109 th through Feb. 28, 2006	331	2	21	339	362
110 th through Feb. 29, 2008	279	0	40	237	277
111 th through Feb. 28, 2010	188	1	15	488	504
112 th through Feb. 29, 2012	146	0	67	223	290
113 th through Feb. 28, 2014	133	0	48	207	255
114 th through Feb. 29, 2016	202	0	16	175	191

Source: Information on judicial nominations was compiled from an internal CRS judicial nominations database. Other nomination information was compiled from the Senate nominations database of the LIS at <http://www.lis.gov/nomis/>. Bill and joint resolution information was compiled from the “Resume of Congressional Activity” for the first session of a Congress and for the second session through the end of February in the Daily Digest of the *Congressional Record* for the 100th through the 113th Congress, and the Legislative Information System (LIS) for the 114th Congress.

- a. Includes House and Senate bills (H.R. and S.) and House and Senate joint resolutions (H.J.Res. and S.J.Res.) approved by the Senate. Simple and concurrent resolutions are not included.

- b. Includes nominations to both part-time and full-time positions in the executive branch, as well as a small number of nominations to positions in the legislative branch, such as the Architect of the Capitol, and nominations to certain types of courts established under Article I, such as the U.S. Tax Court and the U.S. Court of Appeals for Veterans Claims. Excluded are nominations normally confirmed *en bloc* from lists submitted by the President (see footnote 2 in text of memorandum).

We trust that this memorandum is responsive to your inquiry. If we may be of additional assistance, please do not hesitate to contact us directly at the telephone numbers provided above.