

**MEMORANDUM**

May 2, 2016

**To:** Democratic Policy and Communications Center  
Attention: Dan Yoken

**From:** Maeve P. Carey, Analyst in Government Organization and Management, 7-7775  
Michael Greene, Information Research Specialist, 7-9188  
Bill Heniff Jr., Analyst on Congress and the Legislative Process, 7-8646  
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Government and Finance Division

**Subject:** **Matters Approved by the Senate through the end of April, second session, of the 100<sup>th</sup> to 114<sup>th</sup> Congresses**

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This memorandum responds to your request for the number of matters the Senate approved through the end of April 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 April 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 114<sup>th</sup> 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.<sup>1</sup> 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.

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<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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 LIS.

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<sup>2</sup> 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.

<sup>3</sup> 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.

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**Table I. Nominations and Legislation Approved Through the End of April, 2<sup>nd</sup> Session**  
100<sup>th</sup> through the 114<sup>th</sup> Congress

| Congress                                | Number of Bills and Joint Resolutions Approved by the Senate <sup>a</sup> | 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 <sup>b</sup> | Total Civilian Confirmed Nominations |
| 100 <sup>th</sup> through Apr. 30, 1988 | 503   | 1   | 63  | 351  | 415                                  |
| 101 <sup>st</sup> through Apr. 30, 1990 | 490   | 0   | 35  | 536  | 571                                  |
| 102 <sup>nd</sup> through Apr. 30, 1992 | 504   | 1   | 81  | 360  | 442                                  |
| 103 <sup>rd</sup> through Apr. 30, 1994 | 397   | 1   | 46  | 650  | 697                                  |
| 104 <sup>th</sup> through Apr. 30, 1996 | 225   | 0   | 56  | 290  | 346                                  |
| 105 <sup>th</sup> through Apr. 30, 1998 | 271   | 0   | 56  | 368  | 424                                  |
| 106 <sup>th</sup> through Apr. 30, 2000 | 404   | 0   | 40  | 246  | 286                                  |
| 107 <sup>th</sup> through Apr. 30, 2002 | 269   | 0   | 52  | 651  | 703                                  |
| 108 <sup>th</sup> through Apr. 30, 2004 | 382   | 0   | 72  | 351  | 423                                  |
| 109 <sup>th</sup> through Apr. 30, 2006 | 376   | 2   | 29  | 377  | 408                                  |
| 110 <sup>th</sup> through Apr. 30, 2008 | 318   | 0   | 45  | 300  | 345                                  |
| 111 <sup>th</sup> through Apr. 30, 2010 | 218   | 1   | 20  | 568  | 589                                  |
| 112 <sup>th</sup> through Apr. 30, 2012 | 170   | 0   | 80  | 312  | 392                                  |
| 113 <sup>th</sup> through Apr. 30, 2014 | 154   | 0   | 69  | 250  | 319                                  |
| 114 <sup>th</sup> through Apr. 30, 2016 | 230   | 0   | 17  | 181  | 198                                  |

**Source:** Information on judicial nominations was compiled from an internal CRS judicial nominations database. Other nomination information was compiled from the Legislative Information System (LIS) and the Senate nominations database of the LIS at <http://www.lis.gov/nomis/>.

- 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.