

DOWNLOAD PDF NOMINATIONS CONSIDERED DURING THE FIRST SESSION OF THE 106TH CONGRESS

Chapter 1 : th United States Congress - Wikipedia

U.S. GOVERNMENT PRINTING OFFICE CC WASHINGTON: S. HRG. NOMINATIONS CONSIDERED DURING THE FIRST SESSION OF THE th CONGRESS HEARINGS BEFORE THE COMMITTEE.

The key measures of the index include: New in , two added measures of the index will further examine how well the current Congress is functioning relative to those in the past. We will track 1 progress on the budget and appropriations processes, and 2 the amount of oversight performed by Congress measured by programs receiving appropriations after authorizations have expired. Neither chamber gave its members many opportunities to offer amendments to legislation. The Senate was not gridlocked by many attempts to filibuster legislation, but the cause seems to be more that the Senate considered few controversial bills that could be filibustered rather than any trend away from reliance on the filibuster. This may also explain the low utilization of conference committees to resolve differences between the chambers. Though the Senate spent ample time working in Washington, the House continued to lag behind in this area. Halfway through the th Congress, there is much room left for improvement. Cloture, Filibusters and Amendments Two measures of the indexâ€”cloture and amendmentsâ€”provide information about how much the Senate is debating legislation and allowing majority and minority party members to influence legislation. Cloture is a vote to end debate and proceed to vote on a measure or amendment. By ending debate, the chamber prevents members from filibustering and possibly holding up a measure indefinitely. A large number of cloture votes is not necessarily indicative of the minority party blocking the majority party. It is possible that the majority moves to a cloture vote quickly without much time on the floor used by the minority. It is also the case that there can be several votes for cloture on the same measure. The Senate voted on the lowest number of cloture motions of any of the years in the index. It voted on just eight cloture motions on bills and each was invoked, meaning the Senate was not blocked from voting on the measure at hand. Comparatively, there were 62 cloture votes on legislation in the th Congress, 29 in the th, 27 in the th, and 34 in the th. The th Congress voted on 61 cloture votes on legislation and the th voted on Amendments are an important aspect of regular order in the Senate. They give members an opportunity to contribute to bills and participate in the legislative process. This is especially true for members of the minority. The Senate amendment process has historically been relatively open, however, in recent years, majority leadership has regularly used procedural tactics to block members from offering amendments. Last year, the Senate considered the lowest number of amendments of any of the years tracked in the index. The Senate considered only amendments in total during the first year of the th Congress. The th considered , the th considered , and the th considered The Senate during the th Congress considered almost four times as many as the th and the th considered more than six times as many amendments. Also interesting is the distribution of amendments between the majority and minority. In the past, they tend to have been split somewhere between and In , however, 70 percent of amendments considered were sponsored by the majority Republicans and 30 percent came from the minority Democrats. The unusual lack of filibusters and amendments on legislation likely has more to do with the number and types of bills the Senate considered in rather than obstruction by the minority or a roughshod majority. The Senate spent considerable time on executive branch nominations and other measures that could not be debated or amended. For instance, the Senate passed a number of joint resolutions under the Congressional Review Act, which cannot be amended or filibustered. Unlike recent years, few amendments were considered related to the two budget resolutions passed by the Senate this year. Otherwise, the Senate did not take up much controversial legislation. When cloture votes were necessary to end or prevent filibusters, cloture was invoked with votes in favor well above the vote requirement. When a measure is considered under open rules, unlimited amendments may be offered by members. Under closed rules, no amendments may be offered. Under structured rules, the only amendments that maybe be offered are those specified by the Rules Committee, which is controlled by the majority party. Members of the House were mostly closed off from offering

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amendments to legislation on the floor last year. In , 53 percent of rules were closed rules, meaning no amendments could be offered. This is the highest percentage of closed rules among the years in the index. Forty-seven percent of rules were structured, meaning the only amendments that could be offered were those pre-approved by the majority-controlled Rules Committee. When structured rules were in place, 52 percent were offered by Democrats, the minority, 41 percent were offered by Republicans, the majority, and 7 percent were offered on a bipartisan basis. Zero rules were open. Only one other comparative congress, the th Congress had zero open rules at the end of its first year. Taken together, this is the most closed amendment process among the years in the index. Working Days in Washington Congressional work periods are divided into two different types: CPR recommends that Congress be in session conducting legislative business five days a week for three straight weeks followed by one week in recess. If adopted, the recommendation would translate to between 45 and 50 days working in Washington per quarter. In the th Congress, the House spent days in Washington in its first year, days during the th, and days in the th. Since Republicans took over the majority of the chamber in the th Congress, the House has had a lighter work schedule than during the two Congresses under Democratic control. In , the first year of the th Congress, the Senate worked days, and in , the first year of the th Congress, it worked And both of these are higher than the th Congress when Democrats held a majority, which worked days in its first year, and the th, which worked The Senate is still working fewer days than during the th and th Congresses. CPR recommends that major legislation should have the benefit of the committee process before coming to the floor of either chamber. Committees in both the House and Senate were very active in reporting bills in House committees reported bills in the first year of the th Congress, the highest among any years in the index. Senate committees reported bills last year. In its first year, the th Congress relied on conference committees for only two measures. Budget and Appropriations Process Congress and the president must take actions before certain deadlines to ensure the government is funded before the start of the next fiscal year on October 1st. The textbook process requires the president to submit a budget proposal to Congress by the first Monday in February. Congress then works to adopt a budget resolution, which sets overall spending limits for government programs, by April Congress then begins writing appropriations bills to approve spending for specific government programs. Currently, programs are divided into 12 regular appropriations bills. These bills must be passed and signed into law by September 30 to avoid a gap in funding or shutdown of some or all government operations. When these deadlines are not met, Congress often takes stopgap measures outside of the regular process. One option is to combine all or a number of the 12 appropriations bills into one bill, often called an omnibus or consolidated appropriations bill. Another option is to pass a continuing resolution to temporarily fund the government until a certain date. The budget and appropriations processes in Congress completely broke down in President Trump, for his part, did not submit his fiscal year FY budget to Congress by the first Monday in February. It is not unusual for a president to submit a budget late in the first year of their first term. However, even in those circumstances, no president has submitted a budget that many days late. Congress did not enact its budget resolution until late October, six months later than the deadline. Comparatively, for the last 10 fiscal years, Congress has only adopted a budget resolution five times and never on time. However, when it has been late, it has typically been by a few weeks or a month. The only exception is for FY, when the budget resolution was adopted nine months late. It should be noted that the delay in adopting a final budget resolution was not the product of deficiencies or gridlock in the legislative process, but a strategic choice made by congressional Republicans in order to setup a budget reconciliation process. Even worse, neither chamber passed a single stand-alone appropriations bill of the 12 by the start of the fiscal year or by the end of the calendar year. The House did pass all 12 regular appropriations bills in an omnibus bill, but the Senate took no action on it. Consequently, to fund the government from October 1 through the end of and prevent a shutdown, Congress enacted a series of three continuing resolutions, which are stopgap measures that keep the government funded at current levels for a limited period of time. This measure will give some sense of how diligently authorizing committees in Congress are working to provide oversight and review of government programs, and to renew, adjust, or

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eliminate authorizations for their funding. This measure is likely only to be updated on an annual basis. The initial data presented in the index shows that over time, spending on programs with expired authorizations has grown as a percent over overall spending. This finding suggests that the number of federal programs that have not been reauthorized by congressional committees has grown since Further analysis on this metric is expected early in

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Chapter 2 : Lame-duck session - Wikipedia

Nominations considered during the first session of the th Congress: hearings before the Committee on Environment and Public Works, United States Senate, One Hundred Sixth Congress, first session, on the nominations of George T. Frampton to be a member, Council on Environmental Quality, April 28, ; the nomination of Timothy Fields, Jr. to be Assistant Administrator for Solid Waste and.

June 30, C I have requested this information and brothers and the only spouse declined to re- spond. Without objec- tion, it is so ordered. In the Foreign Service nomination of Peter S. In the Foreign Service nominations begin- ning Brian E. Carlson, and ending Leonardo M. In the Foreign Service nominations begin- ning Dale V. Slaght, and ending Eric R. In the Foreign Service nominations begin- ning Johnny E. In the Foreign Service nomination of Ste- phen A. In the Foreign Service nominations begin- ning Constance A. Carrino, and ending Ruth H. VanHeuven, which nominations were re- ceived by the Senate and appeared in the Congressional Record of February 23, In the Foreign Service nominations begin- ning Jay M. Bergman, and ending Robin Lane White, which nominations were re- ceived by the Senate and appeared in the Congressional Record of May 11, A bill to amend the Family and Medical Leave Act of to allow employees to take school involvement leave to par- ticipate in the academic school ac- tivities of their children or to par- ticipate in literacy training, and for other purposes; to the Committee on Health, Education, Labor, and Pen- sions. A bill to amend the En- dangered Species Act of to im- prove the process for listing, recov- ery planning, and delisting, and for other purposes; to the Committee on Environment and Public Works. A bill to amend chapter 44 of title 18, United States Code, relating to the regulation of firearms dealers, and for other purposes; to the Committee on the Judi- ciary. A bill to amend the Food Stamp Act of to permit participating house- holds to use food stamp benefits to purchase nutritional supplements providing vitamins or minerals, and for other purposes; to the Committee on Agriculture, Nutrition, and For- estry. A bill to amend section A of the Internal Revenue Code of with respect to deduc- tions for decommissioning costs of nuclear power plants; to the Com- mittee on Finance. A bill to amend title I of the Employee Retire- ment Income Security Act of to provide for the preemption of State law in certain cases relating to cer- tain church plans; to the Committee on Health, Education, Labor, and Pensions. A bill to direct the Administrator of the Envi- ronmental Protection Agency to es- tablish an eleventh region of the En- vironmental Protection Agency, comprised solely of the State of Alas- ka; to the Committee on Environ- ment and Public Works.

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Chapter 3 : Little Debate or Deliberation in Congress in | Bipartisan Policy Center

u.s. government printing office cc washington: s. hrg. nominations considered during the second session of the th congress hearings before the.

Circuit Courts of Appeals, of which 65 were confirmed;! District Courts including the territorial district courts , of which were confirmed;! Court of International Trade, five of which were confirmed;! Court of Federal Claims, all of whom received Senate confirmation;! Tax Court, all of whom were confirmed;! Court of Appeals for Veterans Claims, which was confirmed during the th Congress;! Court of Appeals for the Armed Forces, both of which were confirmed. Most nominations that failed to be confirmed were returned to the President after the Senate adjourned or recessed for more than 30 days. Most, though not all, of the persons whose nominations were returned at the end of the rd, th, and th Congresses were later renominated and ultimately confirmed. One Clinton judicial nomination was rejected by Senate vote. President Clinton also withdrew 11 judicial nominations three to U. During the Clinton presidency, there were 59 roll call votes involving judicial nominations. Also, at the start of the th Congress, with less than three weeks remaining in his presidency, President Clinton submitted ten judicial nominationsâ€”nine to the Circuit Courts of Appeals and one to the Court of Federal Claims. Shortly after President Clinton left office, his successor, George W. Bush, withdrew all ten nominations but then renominated one of the nine circuit court nominees, who subsequently, in July , received Senate confirmation. Court of International Trade Court of Federal Claims Court of Appeals for Veterans Claims Court of Appeals for the Armed Forces Presidential Nominations to the U. Courts of Appealsrdth During the Congresses, January 20, District Courtsrdth During the Congresses, Court of International Trade rdth During the Congresses, Tax Courtrdth During the Congresses, Specifically, the Chief Executive makes judicial appointments to the: Supreme Court of the United States;! United States Courts of Appeal;! United States District Courts including the territorial courts ;! United States Court of International Trade;! United States Court of Federal Claims;! United States Tax Court;! Superior Court of the District of Columbia;! District of Columbia Court of Appeals; and2! Judicial terms of office vary, depending upon the court. Courts of Appeals, the U. Court of International Trade, and the U. Judges of the Supreme Court and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law Appointment to other courts in the above list entail fixed terms of various lengths. Various statistics are provided, including: Also noted is the committee to which nominations to the particular court were referred after being received by the Senate. The most common ways in which a judicial nomination fails to receive Senate confirmation are these: Court of Federal Claims, the U. Tax Court, the U. Court of Appeals for Veterans Claims, and the U. Court of Appeals for the Armed Forcesâ€”and has authorized year judicial tenure in these courts. With similar explicit reference to its powers under Article I, Congress has created two courts of local jurisdiction for the District of Columbia, with judges to these courts appointed to year terms as well. The territorial courts in the U. For judicial appointees to the territorial courts, Congress has authorized year terms. Historically, on rare occasions, appointments to these courts also have been made without submitting a nomination to the Senate. Court of Federal Claims. In a number of instances, when the Senate returned a judicial nomination pursuant to Rule XXXI, President Clinton renominated the individual involved, after which the Senate usually, though not always, confirmed the individual. Each court section of this report notes, where applicable, the respective number of nominations that were returned by the Senate, were resubmitted by the President, and ultimately were confirmed or failed to be confirmed. Court of Appeals nomination and three U. District Court nominations during the th Congress. During the th Congress, he withdrew one U. Court of Appeals nomination and four U. During theth Congress, he withdrew one U. Court of Appeals nomination and one U. See Tables 2 and 3 in the following pages. The former number covers all instances of nominations failing confirmation when returned pursuant to Rule XXXI, regardless of whether the nominees involved were later renominated and confirmed. Nominations are listed in chronological

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order according to the nomination date. In the confirmation column, a date by itself indicates that the Senate, on the date given, confirmed the nominee by voice vote or unanimous consent. A confirmation date, with a vote total underneath, indicates that Senate confirmation was by a roll call vote or that a specifically identified procedural matter involving the nomination was decided by a roll call vote. As the highest appellate court in the federal judiciary, the Supreme Court reviews decisions of lower federal courts, as well as rulings of state courts where a federal question is involved. The Court also has original jurisdiction that is, it can act as a court of first resort over cases affecting public ministers of foreign states and in certain cases in which a state is a party. As a Supreme Court nominee, Judge Ginsburg testified before the Senate Judiciary Committee on July 20, 21, and 22, followed by one more day of hearings, on July 23, for witnesses testifying in support of or against the nomination. The Senate proceeded to consideration of the Ginsburg nomination on August 2, and confirmed the nominee on August 3 by a roll call vote of Court of Appeal nominations, and 34 involving U. Of the 59 roll call votes, 25 were cast during the Congress and 28 during the Congress. See Tables 1, 2, and 3 on the following pages. Breyer of the U. Circuit Court of Appeals for the First Circuit. The nominee testified before the Senate Judiciary Committee on July 12, 13, and 14, followed by one more day of hearings, on July 15, for witnesses testifying in support of or against the nomination. The Senate proceeded to consider the nomination on July 29, and the same day confirmed the nominee by a roll call vote of Nominations to the U. Courts of Appeals The U. Courts of Appeals review appeals from decisions of the federal trial courts and are empowered to review the orders of many administrative agencies. Cases are generally presented to the courts sitting in panels consisting of three judges. Often called circuit courts, the U. Courts of Appeals are divided geographically into 12 circuits including one for the District of Columbia, each having from six to 28 judges. There is also a Court of Appeals for the Federal Circuit consisting of 12 judges, which has nationwide jurisdiction and which reviews, among other things, lower court rulings in patent, trademark, and copyright cases. Court of Federal Claims and the U. International Trade Commission, the Secretary of Commerce, agency boards of contract continued Altogether, permanent circuit judgeships are authorized by law. Clinton re-submitted nine circuit court nominations which had been submitted, but not confirmed, in the previous Congress. On March 19, President George W. Three other nominations failed to be confirmed and were returned to the President at the sine die adjournment of the second session of Congress, pursuant to Rule XXXI of the Standing Rules of the Senate. Subsequently, during the Congress, the names of these three nominees were resubmitted by President Clinton and received Senate confirmation. Lee Sarokin of the U. Court of Appeals for the Third Circuit, retired in Another Clinton appointee, John D. Kelly of North Dakota, received Senate confirmation to the U. Court of Appeals for the Eighth Circuit on July 31, but died on October 21, shortly after taking office. Gregory had received a recess appointment from President Clinton to the Fourth Circuit judgeship—the only one recess appointed among the nine individuals renominated to circuit judgeships at the beginning of the Congress. See January 31, nomination of James L. Dennis of Louisiana, in Table 2. Of the eight returned nominations, four had been reported favorably by the Senate Judiciary Committee, but failed to be considered by the full Senate; one had received a committee hearing, but was not reported, and three had failed to receive committee hearings. Subsequently, during the Congress, the names of six of these eight nominees were resubmitted by President Clinton, with four of the six then receiving Senate confirmation. During the Congress, President Clinton submitted 30 appeals court nominations to the Senate including the six re-submissions noted above.

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Chapter 4 : Judicial Nominations by President Clinton During the rdth Congresses - calendrierdelascience.

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Under contemporary conditions, any meeting of Congress that occurs between a congressional election in November and the following January 3 is a lame duck session. The significant characteristic of a lame duck session is that its participants are the sitting Members of the existing Congress, not those who will be entitled to sit in the new Congress. A lame-duck session can occur in several ways: In practice, Congress has usually provided for its existing session to resume after a recess spanning the election. In , only the Senate returned in this way, while the House adjourned sine die. In , , and , Congress continued meeting, sometimes in pro forma sessions every third day, until well after the election. Congress can reconvene after an election pursuant to contingent authority granted to the leadership in a recess or adjournment resolution in , the House alone followed this course. Two other possibilities have not been realized: Congress could set a statutory date for a new session to convene after the election, then adjourn its existing session sine die. While Congress is in recess or sine die adjournment, the President could call it into extraordinary session at a date after the election. Meaning of "lame duck"[edit] Main article: Lame duck politics The expression " lame duck " originally applied in 18th century Britain to bankrupt businessmen, who were considered as "lame" in the sense that the impairment of their powers rendered them vulnerable, like a game bird injured by shot. By the s, the usage had been extended to officeholders whose service already had a known termination date. In current American usage, for instance, a President is considered a "lame duck" not only if he has been defeated for re-election, or after his successor has been elected, but also whenever he cannot be, or is known not to be, a candidate for reelection. Members of Congress in similar circumstances are also considered lame ducks. The expression may accordingly be applied to Members who are known not to be seeking re-election as well as to those who have been defeated. In particular, however, after an election of Congress, all the Members who did not gain reelection can be described as lame ducks until the term of the new Congress starts. When the previously sitting Congress, which includes these Members, meets in a post-election session, this session is called a lame duck session as well. Under this amendment, ratified in , Congress meets in a regular session on January 3 of each year, unless in the previous session it passes a law changing the date. Also, the terms of Members begin and end on January 3 of odd-numbered years. Under these arrangements, any meeting of Congress after election day in November of even-numbered years , but before the following January 3, is a lame duck session. Since there have been 16 lame-duck sessions. The most recent one occurred at the end of the th Congress in This report examines only the specific lame duck sessions that have occurred since , not those that occurred routinely before this date, as explained in the following section. Lame-duck sessions before the 20th Amendment[edit] The Constitution originally provided that the regular sessions of Congress begin annually on the first Monday in December. In the process of initiating the government under the Constitution, it was established that the term of Congress would begin and end on March 4 of odd-numbered years. The result was that after being elected in an even-numbered November, a new Congress did not begin its term until the following odd-numbered March, and was not required to convene until the following December, 13 months after it was first elected. The Congress would then adjourn until the time for the next regular session prescribed by the Constitution, the following even-numbered December. When Congress reconvened at that time, however, the next Congress would already have been elected, in the intervening even-numbered November. The term of that newly elected Congress, on the other hand, would not begin until the following March. The Congress that convened in an even-numbered December, accordingly, could not be the newly elected one, but could only be the one already sitting. Under these arrangements, as a result, the last session of every Congress was always a lame duck session. The specific actions through which a sitting Congress might

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reconvene after an election, but during the last portion of its own term of office, are of several kinds. The following sections describe these possible means of reconvening. Although some have been used rarely and others not at all, each method helps to illuminate the constitutional arrangements that make lame duck sessions possible and the conditions in which they may operate. The courses of action through which Congress might reconvene for a lame duck session include: Formally, a session of Congress ends when Congress adjourns sine die. The Latin phrase, literally translated as "without day," is used to mean that Congress has adjourned without setting a day for its next meeting. An adjournment sine die, therefore, means that Congress is not scheduled to meet again until the day set by the Constitution or by law for its next session to convene. When Congress adjourns sine die in an election year, it is not scheduled to meet again until after the term of the new Congress begins. That meeting will therefore begin the first session of the new Congress. Before , Congress would normally adjourn its previous session sine die before the November elections. When it returned for its prescribed meeting in December, accordingly, a new session began. Under these conditions, the "lame-duck session" of each Congress was actually a session in its own right, numerically distinct from the previous session or sessions of the same Congress. Accordingly, each of the lame duck sessions that occurred routinely before was convened as a separate session of the Congress already sitting. Congress today could achieve an equivalent result by adjourning its session sine die before an election, after first providing by law for an additional session of the old Congress to convene on a date after the election. This additional, post-election session probably the third session of the old Congress would be a lame-duck session in same sense as those that occurred routinely before It would be a new, separately numbered session of the old Congress. Subsequent to the implementation of the 20th Amendment in , however, Congress has never made use of this first means of bringing about a lame duck session. Recess of the session[edit] Instead, when a Congress has decided to continue meeting after an election, its usual practice has been not to adjourn sine die, but simply to recess its existing session for a period spanning the election, and then to reconvene at a date still within the constitutional term of the sitting Congress. Since , this second means of bringing about a lame-duck session has been used on 11 occasions. Congress authorizes a session recess in the same way it authorizes a sine die adjournment, by adopting a concurrent resolution. This form of authorization is necessary because the Constitution provides that "Neither House, during the Session of Congress shall, without the Consent of the other, adjourn for more than three days This constitutional requirement applies both to sine die adjournments and to session recesses, which are technically adjournments within a session. Unlike a sine die adjournment, however, a recess does not terminate an existing session of Congress. When Congress reconvenes at the conclusion of a recess, accordingly, no new session begins, but the previously existing session resumes. Under these conditions, the post-election meeting of Congress is not a separate, new session of the old Congress, but a continuation of its existing session probably its second session. Nevertheless, the phrase "lame-duck session" has persisted as a way of referring to any post-election meeting of the old Congress, even though it now normally does not designate a separate session of Congress, but rather refers simply to the post-election portion of an ongoing existing session. Contingent authority to reconvene[edit] The two sequences of events just discussed a recess of an existing session and adjourning sine die after providing for a new session are not the only ones that can lead to a lame-duck session. A third such course of events becomes possible if, when Congress recesses before an election, it grants contingent authority to its leadership to reconvene it, or either house, "if the public interest shall require. If Congress included this contingent authority in a resolution providing for a recess spanning an election, the leadership might use the authority to reconvene Congress before the scheduled expiration of the recess. It might do so either before or after the election itself, but in either case, any portion of the reconvened session occurring after the election would be considered a lame duck session. During the time since the 20th Amendment took effect, however, this course of action has not been taken. If Congress adjourns sine die with contingent reconvening authority, on the other hand, the sine die character of the adjournment becomes final only if the leadership does not exercise this authority by the time the next session of Congress is slated to convene, pursuant to either the Constitution or law. If the

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authority is exercised, the existing session of the old Congress resumes, and the previous adjournment turns out not to have been sine die. Any post-election portion of this continuation of the previous session of Congress would be considered a lame duck session. The Speaker of the House used authority of this kind in to reconvene the chamber in a post-election continuation of a session that had previously been terminated by a conditional sine die adjournment. In this case, the lame duck session occurs if Congress simply continues to meet throughout the pre-election period and afterwards. Any portion of the continuing session of Congress that takes place after the election would be considered a lame duck session. As Table 1 and the accompanying discussion shows, Congress has taken this course of action on three occasions since . On some occasions, under these conditions, each house has chosen to meet only on every third day during the period spanning the election and sometimes throughout the post-election period as well, until sine die adjournment. In addition, it is not necessary that either house transact any business during these intermittent meetings. Sessions called by the President[edit] A final means by which a lame-duck session could occur arises from the constitutional authorization for the President to convene Congress, "on extraordinary occasions," by calling a special session. If Congress convenes, pursuant to this call, after a sine die adjournment and before the next session is scheduled to begin, a new session of the existing Congress begins. This course of events has not occurred since . On the other hand, if the President calls Congress back during a recess of an existing session, the existing session resumes. This course of events occurred in , when President Harry Truman called Congress back for an extraordinary session in the middle of a recess for the national political conventions. The extraordinary session called by President Truman did not constitute a lame duck session, because it both convened and recessed before the election. By the same means, however, a President might call an extraordinary session to convene at a date after the election and before the term of the sitting Congress ends. He or she could do so whether Congress had only recessed its previous session or had adjourned it sine die. In either case, the post-election meeting of Congress would be considered a lame duck session. No lame duck session since has occurred through this means. Occurrence of sessions[edit] Lame duck sessions were frequent in the years surrounding World War II, occurring in six of eight Congresses 76th through 83rd between and . None occurred from through and . There were two in each of the next three decades. Another gap occurred from through . Lame duck sessions have occurred in the last seven Congresses in a row thth. On one occasion, in , only the Senate returned, and only to consider the censure of Senator Joseph McCarthy ; and once, in , only the House returned, principally to consider the impeachment of President Bill Clinton. Means of calling sessions[edit] Twelve lame duck sessions have been preceded by a recess spanning the election. The remaining three Congresses continued to meet intermittently, often in pro-forma session, during the election period. The latter schedule was used for the first two lame duck sessions after adoption of the 20th Amendment, which occurred shortly before or during World War II , in and . It was again used only in . Congress suspended its session during the election period preceding 12 lame duck sessions since . On seven of these 12 occasions , , , , , and , the resolution providing for the break afforded contingent authority to the leadership to call Congress back before the scheduled resumption of the session. For the remaining five lame duck sessions , , , , and , Congress did not afford the leadership this authority. Ten of these 12 election breaks represented recesses of the ongoing session of Congress. The remaining two cases were those, mentioned above, in which only one house returned after the election. In , the House adjourned sine die and the Senate recessed with no contingent reconvening authority , permitting the Senate to deal with the censure of Senator McCarthy in a lame duck session. In , both houses adjourned sine die with contingent reconvening authority.

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Chapter 5 : Tom Coburn M.D. | calendrierdelascience.com

Nominations considered during the second session of the th Congress: hearings before the Committee on Environment and Public Works, United States Senate, One.

Circuit Courts of Appeals, of which 65 were confirmed; nominations to the U. District Courts including the territorial district courts , of which were confirmed; six nominations to the U. Court of International Trade, five of which were confirmed; the names of seven nominees to the U. Court of Federal Claims, all of whom received Senate confirmation; the names of nine nominees to the U. Tax Court, all of whom were confirmed; one nomination to the U. Court of Appeals for Veterans Claims, which was confirmed during the th Congress; the names of 24 nominees to the Superior Court of the District of Columbia, 22 of whom were confirmed; five nominations to the District of Columbia Court of Appeals, four of which were confirmed; and two nominations to the U. Court of Appeals for the Armed Forces, both of which were confirmed. Most nominations that failed to be confirmed were returned to the President after the Senate adjourned or recessed for more than 30 days. Most, though not all, of the persons whose nominations were returned at the end of the rd, th, and th Congresses were later renominated and ultimately confirmed. One Clinton judicial nomination was rejected by Senate vote. President Clinton also withdrew 11 judicial nominations three to U. During the Clinton presidency, there were 59 roll call votes involving judicial nominations. Also, at the start of the th Congress, with less than three weeks remaining in his presidency, President Clinton submitted ten judicial nominationsâ€”nine to the Circuit Courts of Appeals and one to the Court of Federal Claims. Shortly after President Clinton left office, his successor, George W. Bush, withdrew all ten nominations but then renominated one of the nine circuit court nominees, who subsequently, in July , received Senate confirmation. Court of International Trade. Court of Federal Claims. Court of Appeals for Veterans Claims. Court of Appeals for the Armed Forces. Presidential Nominations to the U. Courts of Appeals During the rdth Congresses, January 20, District Courts During the rdth Congresses, Court of International Trade During the rdth Congresses, Tax Court During the rdth Congresses, Specifically, the Chief Executive makes judicial appointments to the: Courts of Appeals, the U. Court of International Trade, and the U. Judges of the Supreme Court and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law CRS-2 Appointment to other courts in the above list entail fixed terms of various lengths. Various statistics are provided, including: Also noted is the committee to which nominations to the particular court were referred after being received by the Senate. The most common ways in which a judicial nomination fails to receive Senate confirmation are these: Court of Federal Claims, the U. Tax Court, the U. Court of Appeals for Veterans Claims, and the U. Court of Appeals for the Armed Forcesâ€”and has authorized year judicial tenure in these courts. With similar explicit reference to its powers under Article I, Congress has created two courts of local jurisdiction for the District of Columbia, with judges to these courts appointed to year terms as well. The territorial courts in the U. For judicial appointees to the territorial courts, Congress has authorized year terms. Historically, on rare occasions, appointments to these courts also have been made without submitting a nomination to the Senate. CRS-3 its intention not to act on the nomination, or if the nomination, even if reported, is likely to face substantial opposition on the Senate floor, or if the nominee has requested that the nomination be withdrawn ; 2 The full Senate votes against confirmation; or 3 Without confirming or rejecting the nomination, the Senate adjourns or recesses for more than 30 days, at which time it returns the nomination to the President pursuant to Rule XXXI, paragraph 6, Standing Rules of the Senate. In a number of instances, when the Senate returned a judicial nomination pursuant to Rule XXXI, President Clinton renominated the individual involved, after which the Senate usually, though not always, confirmed the individual. Each court section of this report notes, where applicable, the respective number of nominations that were returned by the Senate, were resubmitted by the President, and ultimately were confirmed or failed to be confirmed. Court of Appeals nomination and three U. District Court

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nominations during the th Congress. During the th Congress, he withdrew one U. Court of Appeals nomination and four U. Court of Appeals nomination and one U. See Tables 2 and 3 in the following pages. The former number covers all instances of nominations failing confirmation when returned pursuant to Rule XXXI, regardless of whether the nominees involved were later renominated and confirmed. CRS-4 committee hearing, committee action, and confirmation or other final Senate action. Nominations are listed in chronological order according to the nomination date. In the confirmation column, a date by itself indicates that the Senate, on the date given, confirmed the nominee by voice vote or unanimous consent. A confirmation date, with a vote total underneath, indicates that Senate confirmation was by a roll call vote or that a specifically identified procedural matter involving the nomination was decided by a roll call vote. As the highest appellate court in the federal judiciary, the Supreme Court reviews decisions of lower federal courts, as well as rulings of state courts where a federal question is involved. The Court also has original jurisdiction that is, it can act as a court of first resort over cases affecting public ministers of foreign states and in certain cases in which a state is a party. As a Supreme Court nominee, Judge Ginsburg testified before the Senate Judiciary Committee on July 20, 21, and 22, , followed by one more day of hearings, on July 23, for witnesses testifying in support of or against the nomination. The Senate proceeded to consideration of the Ginsburg nomination on August 2, and confirmed the nominee on August 3 by a roll call vote of Court of Appeal nominations, and 34 involving U. Of the 59 roll call votes, 25 were cast during the th Congress and 28 during the th Congress. See Tables 1, 2, and 3 on the following pages. Breyer of the U. Circuit Court of Appeals for the First Circuit. The nominee testified before the Senate Judiciary Committee on July 12, 13, and 14, followed by one more day of hearings, on July 15, for witnesses testifying in support of or against the nomination. The Senate proceeded to consider the nomination on July 29, and the same day confirmed the nominee by a roll call vote of Breyer of Massachusetts Harry A. Nominations to the U. Courts of Appeals The U. Courts of Appeals review appeals from decisions of the federal trial courts and are empowered to review the orders of many administrative agencies. Cases are generally presented to the courts sitting in panels consisting of three judges. Often called circuit courts, the U. Courts of Appeals are divided geographically into 12 circuits including one for the District of Columbia , each having from six to 28 judges. There is also a Court of Appeals for the Federal Circuit consisting of 12 judges , which has nationwide jurisdiction and which reviews, among other things, lower court rulings in patent, trademark, and copyright cases. Court of Federal Claims and the U. International Trade Commission, the Secretary of Commerce, agency boards of contract continued CRS-6 Altogether, permanent circuit judgeships are authorized by law. Clinton re-submitted nine circuit court nominations which had been submitted, but not confirmed, in the previous th Congress. On March 19, , President George W. Three other nominations failed to be confirmed and were returned to the President at the sine die adjournment of the second session of Congress, pursuant to Rule XXXI of the Standing Rules of the Senate. Subsequently, during the th Congress, the names of these three nominees were resubmitted by President Clinton and received Senate confirmation. Lee Sarokin of the U. Court of Appeals for the Third Circuit, retired in Another Clinton appointee, John D. Kelly of North Dakota, received Senate confirmation to the U. Court of Appeals for the Eighth Circuit on July 31, but died on October 21, , shortly after taking office. Gregory had received a recess appointment from President Clinton to the Fourth Circuit judgeshipâ€”the only one recess appointed among the nine individuals renominated to circuit judgeships at the beginning of the th Congress. See January 31, nomination of James L. Dennis of Louisiana, in Table 2. Of the eight returned nominations, four had been reported favorably by the Senate Judiciary Committee, but failed to be considered by the full Senate; one had received a committee hearing, but was not reported, and three had failed to receive committee hearings. Subsequently, during the th Congress, the names of six of these eight nominees were resubmitted by President Clinton, with four of the six then receiving Senate confirmation. During the th Congress, President Clinton submitted 30 appeals court nominations to the Senate including the six re-submissions noted above. Of the 30 nominations, 20 were confirmed, one was withdrawn by the President,17 and nine were returned to the President at the end of the th Congress, pursuant to Senate Rule

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XXXI.. Of the nine returned nominations, two had been reported favorably by the Judiciary Committee but failed to be considered by the full Senate, one had received a committee hearing but was not reported, and six had failed to receive committee hearings. Two of the returned nominations were re-submissions from the th Congress. Subsequently, during the th Congress, the names of six of the returned nominees were resubmitted by President Clinton, with four of the six then receiving Senate confirmation. During the th Congress, President Clinton submitted 34 appeals court nominations to the Senate including the six re-submissions noted above. Of the 34 nominations, 15 were confirmed, one was withdrawn by the President, and 18 were returned to the President 17 at the sine die adjournment of Congress. Sixteen of the returned nominations failed to receive committee hearings. During the entire Clinton presidency, there were 23 Senate roll call votes on appeals court nominations three during the rd Congress, one during the th Congress, seven during the th Congress, and 12 during the th Congress.

Chapter 6 : Judicial Nominations by President Clinton During the rdth Congresses

Nominations considered during the first session of the th Congress: hearings before the Committee on Environment and Public Works, United States Senate, One Hundred Sixth Congress, first session, on the nominations of George T. Frampton to be a membe, Counsil on Environmental Quality, April 28, ; the nomination of Timothy Fields, Jr. to.