

# A LEGISLATIVE SCORECARD FOR THE UNITED STATES SENATE:

## EVALUATING LEGISLATIVE PRODUCTIVITY

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Public accountability is a hallmark of our democratic republic.<sup>2</sup> Although prior to the ratification of the Seventeenth Amendment, state legislatures largely selected Senators, the Federalist Papers acknowledge the Framers' efforts to create a publically accountable national legislative body—whether through direct election as with the House of Representatives or via indirect election by state legislators as was formerly the case with the Senate.<sup>3</sup> With the transition to a Senate directly elected by the people, however, public accountability has arguably increased. The road to election is therefore littered with debates, policy speeches, "Town Hall" meetings and on-line political events—all designed to highlight the candidates' views on a host of significant political issues of the day. Equally as important as knowing where the candidates may stand on particular issues, however, is understanding how effective the candidate has been (or may likely be) at transforming policy positions into substantive legislation. After all, a candidate for public office may propose brilliant initiatives and introduce bill after bill reflecting those ideas, but an inability to transform those proposals into law may be of limited value to the electorate. What, however, is the appropriate means of assessing whether one's elected representative accurately reflects the voters' policy preferences and is able move legislation? One mark of a successful member of Congress is that individual's ability to legislate. Surprisingly, few efforts have been undertaken to analyze this aspect of the legislative process. Empirically assessing the individual efforts of elective representatives, however, is no easy task.<sup>4</sup>

To this end, the following article analyzes legislative data to determine those senators who proved the most prolific in terms of shepherding legislation through the Senate in the 109<sup>th</sup> and 110<sup>th</sup> Congresses. The aim of this article is both to identify those legislators who proved particularly adept in enacting legislation and to consider those factors that seem to bear on legislative success. Of course, as with any large legislative body, it is difficult to determine which individual member actually makes the most significant contribution either to the legislative text or to the process by which that text is transformed into law. In fact, legislative success (defined in this article as sponsoring legislation that

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2. JOHN HART ELY, *DEMOCRACY AND DISTRUST: A THEORY OF JUDICIAL REVIEW* 5–6 (1980); Robert S. Erikson & Gerald C. Wright, *Voters, Candidates and Issues in Congressional Elections*, in *CONGRESS RECONSIDERED* 77, 100–01 (Lawrence C. Dodd & Bruce T. Oppenheimer eds., 8th ed. 2005).

3. To accommodate the interests of states as states, the Constitution originally authorized state legislatures to select members for the Senate, while members of the House of Representatives were directly elected by the people of their respective districts. *THE FEDERALIST* NO. 57, at 281 (James Madison) (Lawrence Goldman ed., 2008). The Seventeenth Amendment, adopted at a time in which democratic ideals were sweeping the nation, made Senators, like their House counterparts, directly elected by the people. See generally Todd Zywicki, *Beyond the Shell and Husk of History: The History of the Seventeenth Amendment and Its Implications for Current Reform Proposals*, 45 CLEV. ST. L. REV. 165, 183 (1997).

4. Ross Davies, *Fantasy Law*, <http://www.fantasylaw.org>. Professor Davies has embarked upon a "fantasy legislation league" (in the tradition of fantasy football or rotisserie baseball leagues) within the pages of *The Green Bag* (and the associated *Fantasy Law* website), wherein participants select members of Congress as if one were selecting players on a fantasy football team and then follow their legislative statistics throughout a session. Hopefully this novel approach to tracking individual members will spur greater interest in examining Congress' legislative output.

ultimately becomes law) is only one means of gauging the political effectiveness of any individual lawmaker. A member of the Senate or the House of Representatives may be an effective legislator not because she is the principal sponsor of any particular piece of legislation, but rather because she is able to influence the crafting of the legislation, to attract needed votes, to rally popular grass-roots support outside of the legislature, or to manage the procedural intricacies necessary to see a bill enacted into law.<sup>5</sup> As a consequence, any effort to quantify legislative success exclusively on the grounds of enacted legislation is an inexact method, at best, and only one way – albeit an important way – in which political effectiveness may be determined. Understanding such success, however, may provide a useful measure for ensuring accountability to the voting public. Thus, this article should be viewed as a first, tentative step towards an empirical evaluation of the legislative work of individual members.

Institutional hurdles exist that may favor one legislator over another. The House and Senate are each governed by specific rules that favor seniority and elevate the importance of formal party structure.<sup>6</sup> At bottom, legislatures are organized vote-counting bodies. To belabor the obvious, legislation requires a majority of legislators to support it. The party system evolved, in part, to align members sharing similar beliefs and to enable them to form voting blocks. America's two-party structure dictates that the majority party will set the legislative agenda, and the seniority system ensures that members who have served the longest will occupy important leadership positions, thereby guaranteeing constituents that legislation favored by the leadership is more likely to see floor consideration.

It would thus be expected that Republicans, the party in control of both the House and Senate during the 109<sup>th</sup> Congress, would enjoy greater success in enacting legislation than Democrats. Similarly, the situation should reverse itself in the 110<sup>th</sup> Congress, when the Democrats seized control of both houses. The flip in party control of the Congress makes this a particularly interesting time period to examine. While members of the minority party face no significant obstacles in sponsoring or introducing legislation, the nature of the party system makes it difficult for the minority party to experience as much legislative success as the majority party. The majority party controls the all-important committee chairmanships and leadership posts – and majority control flipped in both houses of Congress in the election marking the end of the 109<sup>th</sup> and beginning of the 110<sup>th</sup> Congress.

As with party affiliation, senior Senate Members and those holding significant leadership posts (often the same individuals) should be in a preferred position to advance legislation. Committee chairmanships, in particular, provide the occupant with the ability to establish committee agendas and to move preferred legislation.<sup>7</sup> A more junior member who is nevertheless a prolific author of legislation may not see any of his bills moved if he fails to

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5. LEE HAMILTON, *HOW CONGRESS WORKS AND WHY YOU SHOULD CARE* 65 (2004).

6. ROGER H. DAVIDSON & WALTER J. OLESZEK, *CONGRESS AND ITS MEMBERS* 33–35 (2006); SUSAN WELCH ET AL., *AMERICAN GOVERNMENT* 326, 332 (10th ed. 2006).

7. WALTER OLESZEK, *CONGRESSIONAL PROCEDURES AND THE POLICY PROCESS* 90–91 (2007).

command the ear of the appropriate committee chairman or that of the Senate leadership. Experience shows that even the best ideas may be scuttled without the support of the majority leadership.

Ordinarily, committee chairmanships and leadership posts are dominated by more senior Senate members. Senior members are also arguably more likely to understand the Senate rules—both written and unwritten—necessary to garner support and to move legislation. Senior members are also more likely to possess contacts and enjoy friendships with members on both sides of the political divide, as well as in the other chamber of Congress. Senior members would therefore be expected to be in a better position to drive legislative agendas.

The President, of course, also plays a vital role in the enactment of legislation, as his constitutional authority includes the power to sign a bill into law or to block it via the formal or the pocket veto. As the leader of his party, the President holds considerable sway over legislators of his own party. Traditionally, if the President's party holds the majority in either chamber, his legislative agenda will receive priority. Even if, as in the 110<sup>th</sup> Congress, the President's party does not control either chamber, he still enjoys substantial authority because of the veto and the perceived expertise of agencies within the executive branch empowered to comment on legislation they must later enforce. Thus, unless the President is on board with the proposed legislation, even if it survives the procedural machinations of the two chambers of Congress, it may not become a law.

Given the importance of majority party control and overall seniority in the Senate, it is instructive to examine those members who were responsible for the highest number of legislative victories. Senate records provide us with at least one quantitative means of identifying members who enjoyed success in the legislative process. The 109<sup>th</sup> Congress is of particular interest in that early in the 2008 presidential campaign, some six members of the Senate<sup>8</sup> (Democrats Joseph Biden of Delaware, Hillary Clinton of New York, Christopher Dodd of Connecticut, Barack Obama of Illinois, and Republicans Sam Brownback of Kansas and John McCain of Arizona) and four members of the House (Democratic Representative Dennis Kucinich of Ohio and Republican Congressmen Duncan Hunter of California, Ron Paul of Texas, and Thomas Tancredo of Colorado), actively campaigned for the office.<sup>9</sup> Similarly, the 110<sup>th</sup> Congress served as the springboard for the presidential contenders, and narrowed the field to the Obama/Clinton battle on the Democratic side, and John McCain as the nominee on the Republican side—Senators all. While Congress has not historically always provided a successful platform from which to campaign for the presidency,<sup>10</sup> members often continue to run. It

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8. Two former Senate members also ran in the Democratic primaries, John Edwards of North Carolina and Mike Gravel of Alaska, and one former Senate member ran in the Republican contest, Fred Thompson of Tennessee.

9. Kenneth Jost, *Electing the President*, 17 CQ RESEARCHER 337, 340–341 (2007), available at <http://library.cqpress.com/cqresearcher/cqresrre2007042000>.

10. Barry C. Burden, *United States Senators as Presidential Candidates*, 117 POL. SCI. Q. 81, 82 (2002).

therefore might be expected that those presidential candidates running while members of Congress would use their legislative offices to create a platform on which to campaign. In fact, President Barack Obama came to national prominence in the Senate and Vice-President Joseph Biden, Jr. long served as a Senator from Delaware. The Republican nominee for the presidency, John McCain, continues to serve as Arizona's senior Senator. Interestingly, prior to the election of President Obama, no sitting senator had been elected to the presidency since John F. Kennedy in 1960.<sup>11</sup>

This article will determine, by means of a legislative scorecard, the most prolific legislative sponsors in the Senate serving in the 109<sup>th</sup> and 110<sup>th</sup> Congresses and will further examine the effects of seniority, party affiliation, leadership post, prior legislative experience, and political considerations on that success.

### THE ORGANIZATION OF THE SENATE

To place the Senate's role in the legislative process in some sort of context, it is useful to understand the basic history and modern organization and function of the United States Senate. While the numbers presented in this article tell part of the story, they do not provide a complete narrative for explaining success as a member of the Senate. As with any large legislative body, certain organizational rules favor seniority, the political party holding the majority of seats, and those who flourish in an environment marked by a mastery of procedure and a willingness to work closely with members of both major political parties.

The Senate has been called the "world's greatest deliberative body" as well as the nation's "most exclusive club."<sup>12</sup> Both statements contain considerable truth. Collegiality is a hallmark of the Senate, and one indicia of success that is difficult to measure is how any individual member manages to work with others to write and introduce legislation, to establish a legislative agenda, and to influence the enactment of legislation. Group organizational dynamics suggest that different roles blossom during the process of deliberation and various group members will inevitably rise to fill those roles. The Senate's legislative function is a process that relies upon considerable legislative skill and political fortune, as well as good will among the members. Understanding the Senate's history and the function the Constitution's Framers intended the chamber to fulfill is a vital part of understanding the way in which the deliberative process unfolds within that body.

#### *The Senate's Origins: A Condensed History*

Like its historical counterpart, the English House of Lords, the Senate

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11. David Nather, *The Space Between Them*, 66 CQ WEEKLY 124, 127 (2008), available at <http://library.cqpress.com/cqweekly/weeklyreport110-000002654703>.

12. LEWIS L. GOULD, *THE MOST EXCLUSIVE CLUB: A HISTORY OF THE MODERN UNITED STATES SENATE* 175, 216 (2005).

serves as the upper House in the nation's bicameral legislature.<sup>13</sup> As originally conceived by the Constitution's Framers, however, the Senate was intended to fill a role quite different from that of the popularly elected House of Representatives.<sup>14</sup> Accountability in the House of Representatives meant accountability to the people, while accountability in the Senate meant accountability to the various state legislatures. The Senate's character as a representative, as opposed to democratic, body came about as a result of an historic compromise that worked to preserve the interests of both densely and sparsely populated states.<sup>15</sup>

Faced with the generally acknowledged failure of the Articles of Confederation, Representatives convened in May of 1787 to draft a new Constitution to enhance the powers of the national government and thereby bind the newly minted states more tightly together.<sup>16</sup> An important part of that new Constitution would be the composition and structure of the legislative branch. The Delegates to the Convention hoped to create a more vigorous national government better able to address the states' collective needs, but recognized that much of the new government's legitimacy would hang upon the structure of the legislature. The individual states had considerable experience with their own legislatures both before and after Independence. Delegates to the constitutional convention thus enjoyed a large cache of experience from which to draw in establishing a new national legislature.

On May 29, 1787, Edmund Randolph, a member of Virginia's delegation to the Convention, proposed the creation of a bicameral legislative body with each chamber enjoying both concurrent and individual legislative responsibilities.<sup>17</sup> Unlike the House of Lords—a largely ceremonial body—the American upper house was designed to exercise important substantive duties that set it apart from the lower house. While Randolph's proposal, commonly known to historians as the Virginia Plan, allocated membership in the House of Representatives in proportion to state population, and the people themselves were directly to nominate and elect those representatives, the state legislatures would nominate members of the Senate and members of the House of Representatives would then elect those members.<sup>18</sup> Senators would thus be insulated from direct election, both in terms of nomination *and* selection. Under Randolph's proposal, Senate members would be dependent upon the lower house.<sup>19</sup>

It is important to remember, however, that the Constitution represented a

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13. ORIGINS AND DEVELOPMENT OF CONGRESS 193 (Barbara R. de Boinville ed., 2nd ed. 1982).

14. THE FEDERALIST NO. 62 (James Madison), *supra* note 3, at 303.

15. ORIGINS AND DEVELOPMENT OF CONGRESS, *supra* note 13, at 45.

16. DANIEL A. FARBER & SUZANNA SHERRY, A HISTORY OF THE AMERICAN CONSTITUTION 31 (2nd ed. 2005).

17. 1 THE RECORDS OF THE FEDERAL CONVENTION OF 1787, at 20 (Max Farrand ed., 1911). Wikipedia, a fabulous (and occasionally fabulously unreliable) source of information, has a concise discussion of what came to be known as the "Great" or "Connecticut Compromise." See Wikipedia, *Connecticut Compromise*, [http://en.wikipedia.org/wiki/Connecticut\\_Compromise](http://en.wikipedia.org/wiki/Connecticut_Compromise) (as of May 23, 2010, 19:51 GMT).

18. *Id.*

19. *Id.*

movement away from the Articles of Confederation, in which the States retained considerable sovereignty and the national government existed more as a collegial league of quasi-independent nation states.<sup>20</sup> It is not unsurprising, then, that Randolph's plan would include one legislative body nominated by the individual state legislatures. Tasked with the power to nominate Senators, the state legislatures retained considerable power in the new national government.<sup>21</sup> One interesting feature of Randolph's initial proposal was that it allocated Senate seats, like those in the House, on the basis of a state's population. In this respect, the actual number of Senate members reflected that of the House.<sup>22</sup> The only salient difference was in the manner of selection. Needless to say, less populous states objected to any arrangement in which the membership of *both* houses would be based on a state's population, fearing that their interests would be marginalized in favor of the more populous states.<sup>23</sup> Suffice it to say, the less populous states would not willingly sacrifice the relative independent status they enjoyed under the Articles of Confederation only to become second class participants under the new constitution.

To allay this concern, on June 15, 1787, William Paterson of the New Jersey delegation proposed the creation of a unicameral legislature, wherein each state would have but a single representative regardless of population.<sup>24</sup> As with the ratification of the Articles of the Confederation and ultimately the Constitution itself, each state would enjoy perfectly equal representation.<sup>25</sup> Population would thus play no role in the allocation of seats in this single legislative body.<sup>26</sup> The Delegates viewed Paterson's proposal, which lacked a bicameral legislature, (a common feature of most state legislatures at the time) as a potential means of pushing the large and small states to reach a compromise.<sup>27</sup> Given the backdrop of the "league of nations" approach taken by the Articles of Confederation, any diminution in the authority of the small states was greeted with considerable suspicion. After all, why should the less populous states cede power they already enjoyed under the Articles of Confederation?

Neither proposal gained sufficient traction, however, so on July 16, 1787, Roger Sherman and Oliver Ellsworth, both hailing from the Connecticut delegation, presented a compromise to the Convention for a bicameral legislature wherein population would be taken into account in the lower house, but not the upper.<sup>28</sup> To benefit the more populous states, the compromise echoed the Virginia Plan by basing membership in the lower house on the

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20. THE FEDERALIST NO. 1 (Alexander Hamilton), *supra* note 3, at 11; THE FEDERALIST NO. 15 (Alexander Hamilton), *id.* at 72.

21. FARBER & SHERRY, *supra* note 16, at 34.

22. 1 THE RECORDS OF THE FEDERAL CONVENTION OF 1787, *supra* note 15, at 20.

23. JAMES MADISON, THE DEBATES IN THE FEDERAL CONVENTION OF 1787 (Gaillard Hund & James Brown Scott eds., Oxford University Press 1920) (May 30, 1787, Jun.7-11, 1787), available at [http://avalon.law.yale.edu/subject\\_menus/debcont.asp](http://avalon.law.yale.edu/subject_menus/debcont.asp).

24. 1 THE RECORDS OF THE FEDERAL CONVENTION OF 1787, *supra* note 17, at 242-44.

25. *Id.*

26. ORIGINS AND DEVELOPMENT OF CONGRESS, *supra* note 13, at 44.

27. Jack N. Rakove, *The Great Compromise: Ideas, Interests, and the Politics of Constitution Making*, 44 WILLIAM AND MARY QUARTERLY 424, 443-44 (1987).

28. 2 THE RECORDS OF THE FEDERAL CONVENTION OF 1787, 13-14 (Max Farrand ed., 1911).

state's enumerated population.<sup>29</sup> The people, again mirroring the Virginia delegation's contribution, would nominate and directly elect members of the lower house.<sup>30</sup> In point of fact, the actual text of the Compromise doesn't specifically provide for direct election in the House; rather, the language was simply adopted without amendment from the Virginia Plan.<sup>31</sup> To further enhance the status of the lower house, and thereby protect the larger states' interests, all bills for raising taxes, spending or appropriating money, and setting the salaries of Federal officers, were to originate in the lower house and be unamendable by the upper house.<sup>32</sup>

To appease the interests of the less populous states, membership in the upper house followed the formulation of the New Jersey proposal by allocating a fixed number of members from each state—in this case two—with the members being selected by the state legislatures.<sup>33</sup> Senate members, then, were removed from popular election and thought to be the “saucer into which the hot tea” of popular sentiment might spill.<sup>34</sup> The two chambers thus clearly reflected two separate interests: those directly of the people and those of the states as states. The representative nature of the Senate, in terms of its connection to the people, then differed considerably from the composition of the House of Representatives. The Connecticut Compromise passed by only a single vote following eleven days of vigorous debate and ultimately became part of the Constitution's final draft for what was to become the Constitution's first Article.

Although the Constitution's Framers sought to have the House and Senate represent different constituencies—the House would represent the people directly while the Senate would represent the states as political entities<sup>35</sup>—the Seventeenth Amendment's ratification in 1913 blurred the distinctive representative nature of the two legislative bodies.<sup>36</sup> The Seventeenth Amendment, part of a larger democratization movement prevalent in the country at the time, dramatically altered the Senate's composition by providing for the direct election of Senators by the people.<sup>37</sup> While no additional Senate seats were allotted on the basis of population, the character of the Senate was transformed into something more akin to the House, with Senate members now being directly responsible to the people instead of being held accountable by State legislatures. Although the Senate retained equal representation among

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29. *Id.*

30. 1 THE RECORDS OF THE FEDERAL CONVENTION OF 1787, 46 (Max Farrand ed., 1911).

31. *Id.*

32. *Id.* at 14.

33. *Id.*

34. JAMES L. SUNDQUIST, CONSTITUTIONAL REFORM AND EFFECTIVE GOVERNMENT 27 (1992).

35. Reflecting the Senate's perceived representation of the States as political entities, inscribed on the Dirksen Senate Office Building beneath the pediment on the First Street facade of building is the following statement: “THE SENATE IS THE LIVING SYMBOL OF OUR UNION OF STATES”

36. U.S. CONST. amend. XVII. For an insightful history of the Seventeenth Amendment, see, Zywicki, *supra* note 3, at 165.

37. CONGRESSIONAL QUARTERLY, ORIGINS AND DEVELOPMENT OF CONGRESS 238 (Barbara R. de Boinville ed., 2d ed. 1982).



the states, regardless of population,<sup>38</sup> this structural change in electing Senators directly brought the chamber closer to the people and arguably more responsive to their needs.

### *Organization of the Modern Senate*

The Senate, similar to any large deliberative body, enjoys a structure wherein some members are more equal than others.<sup>39</sup> The presiding officer and titular President of the Senate is the Vice President of the United States.<sup>40</sup> Despite this impressive title, however, the President of the Senate enjoys few formal responsibilities. In presiding over the Senate, the President may vote to break a tie, commandeer the floor when he is present, and choose which speakers to recognize, but as an historical matter traditionally plays little substantive role in the legislative process. Customarily, the Vice President is not even present at Senate sessions and is called in only for ceremonial duties or when there exists the possibility of a tie vote.

In light of the Senate President's limited role in the body and his frequent absences, the office of the President Pro Tempore was created. The President Pro Tempore, a post traditionally helmed by the most senior member of the majority party, presides when the President is absent.<sup>41</sup> A combination of tradition, Senate rule, and party discipline has relegated the office of the President Pro Tempore, like that of the Senate President itself, to a largely ceremonial role. The President Pro Tempore in fact exercises considerably less power than the Majority Leader, and although he enjoys the authority to preside when on the Senate floor, generally delegates even this diminished responsibility to more junior Senate members. These junior members serve as temporary presiding officers on a rotating basis, watching over procedures on the floor as they unfold and serving to maintain order on the Senate floor.<sup>42</sup> Permitting recently elected Senate members to preside on the floor both frees up more senior members to attend to their responsibilities and enables new members to learn the Senate's somewhat arcane parliamentary procedures.<sup>43</sup>

As a practical matter, the two major political parties dominate the Senate's formal organization. In fact, party affiliation is the core feature through which leadership positions are selected. The Majority and Minority leaders of the Senate decide what legislation will occupy floor time and otherwise set the legislative calendar. The majority party elects the Majority Leader by secret ballot and although he does not officially "outrank" the Senate's President or President Pro Tempore or hold any sort of a constitutional title, he in fact wields considerable power. Neither the Senate's President nor its President Pro

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38. U.S. CONST. amend. XVII.

39. With all due respect to George Orwell.

40. U.S. CONST. art. I, § 3.

41. WILLIAM J. KEEFE & MORRIS S. OGUL, *THE AMERICAN LEGISLATIVE PROCESS: CONGRESS AND THE STATES* 64 (2001).

42. OLESZEK, *supra* note 7, at 217.

43. Dana Bash, *Hillary Takes the Gavel - for an Hour*, CNN.COM, Jan. 24, 2001, <http://archives.cnn.com/2001/ALLPOLITICS/stories/01/24/hillary.senate/index.html>.

Tempore exercises substantive authority over the proceedings of the Senate, whereas the majority leader has the responsibility to set the agenda by virtue of his right of first recognition of speakers and his ability to hold the floor.<sup>44</sup> Control of the floor process accords the majority leader considerable power; but that power stems from the number of votes that he commands.

His counterpart, the minority leader, acts as the primary spokesperson for his party in the Senate and works in concert with the majority party to affect legislative strategy in an effort to achieve the minority party's legislative and political goals.<sup>45</sup> The party whips serve as assistant majority and minority leaders, and their main objective is to win votes for legislation supported by their parties and to determine whether certain legislation has sufficient support within the body.<sup>46</sup> In particular, party leaders rely upon their respective whips to "know where the votes are" with respect to particular legislative items.

With respect to other significant leadership positions, the conference chairmen manage the private meetings of the Democratic and Republican Conferences and the individual party caucuses. The conferences exist primarily to allow members to air internal party differences privately and thereby to promote consensus on issues and to develop unified positions for the parties.<sup>47</sup> Oftentimes, the majority conference chair, in tandem with the majority leader, will select the legislative agenda for floor consideration.

Despite the recent proliferation of party leadership positions, the individual committees remain the most significant part of the Senate's organization. The committee structure is the means by which the Senate carries out its most important work, including drafting legislation, conducting oversight, convening investigations, and vetting presidential appointments.<sup>48</sup> Committees also provide a structured means for members to consider issues of significance to their constituents, allow a formal opportunity for members to garner support for their party's positions, and, by providing a forum for small groups of members to consider legislative proposals, can enable members who have experience in a particular area to provide valuable insight and thereby inform the larger debate.<sup>49</sup> Senate committee structure is well-developed. The Senate's so-called standing committees are permanent entities that continue from Congress to Congress. Standing committees traditionally contain a number of subcommittees, which enable a certain degree of legislative sub-specialization. Such committees are able to divide the work of the full committee and focus on particular facets of legislation.

Special committees, by contrast, tend to be temporary, one-shot entities; they are usually created for a specific purpose then disbanded once their goals

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44. Oleszek, *supra* note 7, at 21.

45. *Id.*

46. PAUL DICKSON & PAUL R. CLANCY, *THE CONGRESS DICTIONARY: THE WAYS AND MEANINGS OF CAPITOL HILL* 380 (1993).

47. DAVIDSON & OLESZEK, *supra* note 6, at 182.

48. ROSS K. BAKER, *HOUSE AND SENATE* 57 (1989).

49. DAVIDSON & OLESZEK, *supra* note 6, at 193-95.

are achieved or responsibilities fulfilled.<sup>50</sup> Such committees traditionally perform certain delegated tasks for the Senate rather than considering particular legislative measures. Joint committees, like special committees, are also ordinarily created for a specific purpose, but they are composed of members from both chambers of Congress.

The conference committees—a type of joint committee—form to enable the respective houses to meet in order to draft a final bill for passage out of both chambers that satisfies the constitutional demand that the legislation passed by each house be identical. The conference committees seek to resolve differences between the House and Senate versions of legislation and to draft and then discharge the bill's final legislative language for floor consideration in each chamber.<sup>51</sup>

In light of the importance of the committee structure to the Senate's work, a committee chairmanship is one of the more powerful positions in the Senate's hierarchy. The chairmen are selected from the most senior members of the majority party who traditionally have already served on the respective committees for a number of years. The committee chairmen call meetings, establish legislative agendas within the committee, schedule hearings for bills, and designate committee mark-ups to draft, amend, and move legislation.<sup>52</sup> Ordinarily, legislation will start with drafting work done within the committee (or from a bill introduced on the floor and referred by the parliamentarian to the committee) as well as numerous hearings to examine particular aspects of the legislation. As a matter of Senate procedure, legislation must be voted out of the committee prior to receiving floor consideration. Although that is not an iron-clad requirement—the Senate can vote to bypass the committee of jurisdiction and consider a bill directly on the floor, or it may entertain a vote to discharge a bill from committee without a committee vote—the committee process provides opportunities for sponsors to recruit broad support and to fine-tune legislative language. Members will offer and vote on amendments and seek compromise language to ensure a successful committee vote. A vote within the committee is effectively a “test vote” on the legislation and a reasonable measure of its prospects for floor consideration and, ultimately, its success in being voted out of the Senate. Although their power was trimmed in the 1970's when Senate Democrats sought rule changes to equalize the distribution of power, and more recently in the 1990's when Republicans placed term limits on committee chairmen (and ranking members), committee chairs remain influential in advancing or defeating legislation and in establishing legislative agendas.<sup>53</sup> Without the support of the committee chairman, or at

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50. Baker, *supra* note 48, at 74.

51. Davidson & Oleszek, *supra* note 6, at 202–03.

52. *Id.* at 213.

53. John H. Aldrich & David W. Rhode, *Congressional Committees in a Partisan Era*, in CONGRESS RECONSIDERED 252 (Lawrence C. Dodd & Bruce T. Oppenheimer eds., 2005). A “ranking member” is simply the minority party member who serves as the principal for that Committee. Ordinarily, the ranking member is the “chairman-in-waiting” should the minority party seize the majority. Absent applicable term limits, the ranking member would become the chairman if her party reverses its fortunes.

least her acquiescence, it is unlikely a bill will ever move to the floor. The chairman can decline to hold legislative hearings, can refuse to schedule a vote on a particular piece of legislation, or can push her members to vote against legislation he does not support. The chairmanship position itself thus ensures that members who hold chairmanships are more likely to be influential in the legislative process.

*A Note on the Role of Seniority in the Senate*

The importance of holding seniority within the Senate cannot be underestimated. The seniority system evolved from the tradition dictating that the members who have served for the longest period of time are granted leadership positions. With only a few notable exceptions, the Senate generally adheres to a seniority system in selecting members for committee leadership positions (basically, the Committee chair and ranking members).<sup>54</sup> The majority and minority leaders, whips, and other floor leadership posts need not come from among the more senior members, but as a practical matter, it is difficult to be elected to such a position without considerable experience in the body. And, while largely a ceremonial post, the constitutional office of President Pro Tempore has come to be filled by the majority party's most senior member. One of the more well-established traditions of the seniority system is that the most senior member of a committee will be elected to chair that committee until her retirement, electoral defeat, or death.<sup>55</sup>

Seniority, in fact, only became a *de facto* Senate rule in the late 1870's.<sup>56</sup> This meant that many more junior members could only wait until the senior members retired, failed to secure re-election, or died before they could assume a committee chairmanship or hold other leadership positions. The seniority rule's importance apparently blossomed because Members of Congress began routinely to seek reelection. Holding a Senate seat thus became more of a career to which one aspired rather than a short-term calling in which one served. With members choosing to run for re-election and serving ever-longer in the body, the merits of seniority became clear. What is not clear is whether the perks of seniority influenced members to seek re-election, or whether party leaders sought to entrench those perks as a means to incentivize popular members to again stand for election and thereby further cement majority party status. The evolving seniority system virtually guaranteed that committee leadership positions would be awarded to those who served longest.<sup>57</sup> Those positions, and the benefits bestowed upon electorate, served as a platform from which members could run and provided a powerful reason to encourage voters to keep their elected officials in office for lengthy periods of time. When a member is able to campaign on the platform that she will serve as a chair or ranking member of an important committee in the coming Congress, it

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54. STEVEN S. SMITH, ET. AL., *THE AMERICAN CONGRESS* 214 (4th ed. 2006).

55. OLESZEK, *supra* note 7, at 92.

56. RANDALL B. RIPLEY, *POWER IN THE SENATE* 42 (1969).

57. DAVIDSON & OLESZEK, *supra* note 6, at 33.

provides an important reason for the voter to return that candidate to office. In short, seniority enables a member to bring home the bacon.

Although the seniority system is more strictly adhered to in the Senate than the House, it has undergone modifications through the years. The most significant modification in the seniority system occurred in 1997 when Republicans adopted a party rule creating term limits for committee chairmen and ranking members.<sup>58</sup> Currently, regardless of seniority on a committee, a Republican chair or ranking member may serve in that position only six years and then must relinquish the post. This rule was modified in 2002 so that this six-year term did not include one's time as a ranking member.<sup>59</sup> Service as a ranking member remained limited to six years, however.

Although term limits necessarily remove some of the more knowledgeable and experienced members from leadership positions, they allow more junior Senate members to step into leadership roles. Thus, the seniority system does not strictly dictate power as it once did in the Senate. Nevertheless, lengthy experience in the body is still significant in buttressing legislative efforts.<sup>60</sup> As the Senate is a collegial body and functions largely on grounds of common consent, personal relationships may matter even more than prowess with the rules when it comes to moving legislation. Seniority equates not only with leadership or presumed knowledge of the rules, but also with familiarity with its individual members and honored customs. That familiarity can be nearly as important as a formal leadership role. Seniority may be a key predictor of determining who will and will not be able to move legislation efficiently through the body. But, the fact that a legislator is not particularly senior does not mean he or she is a "poor" legislator. Quite the contrary, it is more likely to mean simply that the more junior member simply has not enjoyed the opportunity to be as involved in the legislative process as a more senior member, had developed fewer relationships with other members, or is insufficiently schooled in the Senate's procedural rules. As a consequence, this piece is designed to examine those members who are successful in seeing legislation moved, but is not in any way intended to be a commentary on any individual member's legislative prowess or lack thereof.

#### THE SENATE SCORECARD: EXAMINING LEGISLATIVE EFFICACY

Having dispensed with both the history and modern organization of the Senate, this section will examine the Senate members' efforts at moving legislation. Relying upon data made available by Congress' Legislative Information Service ("LIS"), records regarding the introduction and disposition of Senate bills and resolutions in the 109th and 110th Congresses were analyzed. Individual Senate members were ranked in terms of bills and resolutions

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58. DAVIDSON & OLESZEK, *supra* note 6, at 211.

59. Carl Huse, *Republicans' Passion for Term Limits has Cooled*, N.Y. TIMES, June 26, 2002, at A17, available at <http://query.nytimes.com/gst/fullpage.html?res=9C06E1D8173EF935A15755C0A9649C8B63>.

60. DAVIDSON & OLESZEK, *supra* note 6, at 206.

introduced and ultimately enacted. In addition, certain predictive factors were examined, including party status, seniority, leadership positions held, prior federal legislative experience, and certain political considerations (such as whether a member was up for re-election). The methodology used and the results of this analysis, as well as the limits of the data sets, are set forth below.

### *Methodology of Analysis and Limitations of the Captured Data*

This article examines legislative measures, which are defined to include both bills and resolutions, introduced in the United States Senate during the course of the 109th & 110th Congresses (the latest Congresses for which complete legislative data sets are available). The 109th Congress commenced on January 4, 2005 and concluded on December 9, 2006. The 110th began January 3, 2007 and ended January 3, 2009. Using data culled from the LIS,<sup>61</sup> a database was compiled of all legislative measures introduced during those legislative sessions. The data was then divided into two categories: bills and resolutions.

Although bills may be as short as a few words or as long as a few hundred pages, no attempt was made to weigh the relative significance of the legislation. This is an important caveat to note. A major transportation or tax bill, for example, may consume one or more Congresses before it is enacted, while a series of smaller bills may be accomplished by the unanimous consent of the body in relatively short order. Certainly, it may be argued that the enactment of a significant piece of legislation ought to count for more than a series of mere technical corrections bills. Yet, it is difficult to weigh the relative significance or merits of any particular piece of legislation—indeed, it is sometimes the case that the true effect of a legislative change may not be known or fully understood until years after the fact. Similarly, a relatively short, technically-oriented bill may nevertheless have far-ranging consequences. It is often difficult, without studying not only the legislative text, but also the bill's subsequent impact and how it fits into the larger statutory scheme, to know how significant an individual piece of legislation may be. As a result, this article makes no attempt to differentiate among the relative merit of particular pieces of legislation. Such an endeavor is far beyond the scope of this project.

It is, however, possible to differentiate easily between bills and the various types of resolutions. The Senate Rules recognize four distinct types of legislative measures: bills and then three distinct varieties of resolution—joint resolutions, concurrent resolutions, and simple resolutions.<sup>62</sup> The principle distinction among these various legislative forms is that both bills and joint resolutions have the force and effect of law, and therefore must be passed by both houses in identical form and presented to the President for consideration.

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61. See Library of Congress, THOMAS, Bills, Resolutions, [http://thomas.loc.gov/home/bills\\_res.html](http://thomas.loc.gov/home/bills_res.html). This website provides free public access to federal public legislation, including bills and resolutions, congress activity, the Congressional Record, schedules, committee information, presidential nominations and treaties.

62. Guide to Legislative Process in the House, <http://www.rules.house.gov/archives/lph-forms.htm> (last visited May 25, 2010).

The President, of course, may choose to sign the measure into law or formally veto it and send it back to the Congress. And, as every first year political science student knows, he may also permit the measure to become law without his signature or, at the end of a Congressional session, he may simply elect, by non-action, to pocket-veto the measure. While the other principle forms of resolutions are fairly common, joint resolutions are seldom used as legislative vehicles.

By contrast, concurrent and simple resolutions lack the force of law. A concurrent resolution is, as the name implies, passed by both houses in identical form but is not presented to the President, while a simple resolution is the product of only one chamber. Simple resolutions are by far the most common form of resolution—in no small part because of the relative ease with which they are passed. Such resolutions often take the form of a “Sense of the Senate” to indicate a view the body might have concerning a topical issue.

The order in which legislative measures are introduced has more to do with political agenda than with any practical effect. The Secretary of the Senate will number legislative measures in the order in which they are introduced in their particular category and will designate them with a distinctive title. As a result, the very first bill introduced in the Senate will be labeled “S. 1,” while the first simple resolution introduced will be “S. Res. 1.” Similarly, the Senate Secretary will title the first Senate joint resolution introduced “S. J. Res 1” and the first concurrent resolution will be designated “S. Con. Res. 1.” Not unsurprisingly, the majority party leadership will often control the order in which bills and resolutions are introduced to reflect the party’s goals for the Congress and to highlight high-priority items.

Creating categories for this analysis is made easier by the fact that Members must draft their legislative proposals in accord with one of the four specified forms for purposes of introduction. If a member is seeking to amend existing law or to create new law, she must draft her legislation as either a bill or a joint resolution. Because simple and concurrent resolutions lack any substantive effect, they are not afforded the same careful consideration as a bill or a joint resolution. Thus, while included in this analysis, resolutions are treated separately because they are seldom controversial and often pass by unanimous consent. In the Senate, a unanimous consent agreement is the traditional means of passing non-controversial measures or the mechanism by which the body is able to proceed to certain pressing business matters.<sup>63</sup> These sorts of agreements often serve to limit debate and to expedite floor action in the Senate. Otherwise, any individual Senator, using the power of the filibuster, can prevent the Senate from considering a piece of legislation provided he lodges an objection and holds the floor. Although unanimous consent agreements skirt the traditional rules of Senate procedure, they are relatively commonplace and enable the Senate to conduct business in a timely fashion. Without consent agreements, the process of considering even mundane legislation would become a potentially arduous task.

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63. DAVIDSON & OLESZEK, *supra* note 6, at 259–60.

While substantive bills can range from one line “technical corrections acts” to thousand-page behemoths, resolutions tend to be more focused. Often times, simple Senate Resolutions and concurrent resolutions, are done for parochial reasons and, save in quite narrow circumstances, have little practical impact. Because of the typically non-controversial nature of resolutions this report deems data on bills and joint resolutions (which are comparatively rare) the more accurate measure of legislative efficacy. Nevertheless, because both simple and concurrent resolutions are part of the Senate’s legislative agenda and the successful passage of such a resolution does demonstrate a member’s ability to shepherd a legislative measure through the Senate, this analysis will include information with respect to resolutions as well.

With respect to bills and joint resolutions, sixteen fields of data were created to capture: the name of the principal sponsor; the co-sponsors; the legislative committee of origin; the names of the principal floor managers; and finally, the legislation’s ultimate disposition. If the legislative measure was enacted, the date of final passage and the Public Law Number are also included.

To determine whether a specific measure was enacted or otherwise passed (as in the case of a simple resolution) the following criterion were adopted: namely, if the LIS database states that the last major action on a bill was that it became a public or private law it is counted as passed. In addition, the Library of Congress provides information on the final disposition of all measures introduced in the Senate. By cross-checking this information, it was possible to determine the fate of all recorded legislative measures. Unfortunately, the task is not always quite as simple as it may appear. Sometimes a bill initially offered in the Senate is presented to the President in its House version. In this case, the LIS database indicates in its “notes” section that for further action one should see a particular House bill that became public law. Accordingly, any Senate bill that LIS indicates passed as a House version is also counted as enacted for purposes of analysis unless it is a duplicate because the same Senator offered multiple iterations of the identical bill that ultimately passed as a House version.

Similarly, a Senate bill may occasionally become law as part of another bill. In this case, the LIS data will indicate in a note that for further action one should see the other piece of legislation. In these circumstances, the sponsor of the first bill is also counted as having a legislative success provided that Senator did not also sponsor the second bill that became law (otherwise, the problem of double counting emerges).

Joint Resolutions (which must be enacted in identical form by both Houses and signed by the President) were counted as enacted if LIS stated the last major action was that they became public law. In addition, Joint Resolutions offered in the Senate are considered passed if LIS notes indicate the substance of the measure was enacted as a House version. Concurrent resolutions offered in the Senate, which must be approved by both Houses, are deemed passed if LIS lists the last major action as “passed or agreed to in the House.” Simple Senate resolutions, which constitute the overwhelming majority of the



resolutions offered, are counted as passed if they were agreed to in the Senate.

The resolutions database contains much of the same information as that captured for bills, but excludes procedural details such as the committee of origin and the name(s) of floor manager(s), as resolutions often do not always go through committee and rarely become the subject of debate on the Senate floor.<sup>64</sup>

To gauge legislative efficacy, the data on bills and resolutions was analyzed first with respect to individual Senators' independent efforts and then with respect to co-sponsorships. The process began with the straightforward ranking of the individual Senators by the total number of bills sponsored. Next, each was ranked by the number of sponsored bills enacted. From these two tables, the Senator's legislative enactment rate was calculated as the percentage of bills sponsored that were ultimately enacted into law.

These results were further refined to prevent the artificially high success rate of Senators who had introduced only a handful of (successful) measures from skewing the analysis. Without this filtering, a Senator who introduced and passed two bills would have a higher legislative efficacy rating than a Senator who introduced seventy bills and passed fifty of them. As a result, a more considered approach was realized by limiting the analysis to only those who also introduced the highest number of bills. A limitation was established to include only the top ten percent in terms of bills sponsored, and the Senators in that category were subsequently ranked by enactment rate.

Combining achievements on bills and resolutions into a single measure of legislative efficacy presented other analytical challenges as well. Shepherding a bill successfully through the Senate is ostensibly a better demonstration of legislative efficacy than securing passage of a simple or even a concurrent resolution. Resolutions are typically uncontroversial and are rarely subject to careful analysis or extended floor debate. As a result, they take considerably less effort and are easier to guide through the chamber and are far more likely to pass. Simple resolutions, in fact, often pass unanimously. For example, simple resolutions in the 109th Congress included: S. Res. 9, "Designation of National Military Family Month," S. Res. 596, "Designating Tuesday, October 10, 2006, as 'National Firefighter Appreciation Day,'" and S. Res. 414, which celebrates the cultural heritage of country music. Who could oppose celebrating military families or honoring fire fighters? And one need not be a fan of country western music to vote in favor of a resolution honoring its contribution to the nation's culture. Nevertheless, resolutions are a part of the legislative process and can be important vehicles through which members highlight significant state and national interests. In addition, while resolutions may be easier to pass than bills or joint resolutions, they do take a certain amount of legislative initiative and skill. The passage of a resolution may itself provide useful training for mastering the legislative process. Thus, while it may complicate the analysis, including even simple resolutions in this study

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64. All resolutions, by Senate Rule, go through the Judiciary Committee regardless of whether their substance falls within the Committee's jurisdiction—unless, of course, they bypass the Committee altogether, which many do.

holds merit.

A comparison of the success (where “success” is defined as proceeding to enactment or, for resolutions, passage) rates for bills and resolutions illustrate the comparative ease by which simple and concurrent resolutions are passed. The overall success rate in both the 109th and 110th Congresses, irrespective of sponsor, was approximately 7% for bills but roughly 60% for resolutions, indicating that any given simple or concurrent resolution is roughly eight times more likely to pass. The success rate for the ten Senators who introduced the largest number of bills ranged from 2.3% to 9.4%, while the analogous success rate for resolutions ran from 75% to 98.7%. To address the problem of relying too heavily on resolutions in gauging legislative effectiveness, a weighted average was used to combine the overall success rates, in which bills were weighted at 75% and resolutions at 25%. While an imperfect measurement (and one could further argue that joint and concurrent resolutions ought to be weighted more heavily than simple resolutions) to be sure, this system nevertheless represents an imperfect effort to capture the undeniable work that goes into the passage of resolutions.

As before, data filtering was necessary to prevent the relatively high success rates in passing resolutions from skewing the analysis. Here, however, a 10% cutoff did not prove feasible because few if any Senators fell in the top 10% in terms of both bills and resolutions sponsored. The range was therefore expanded to include any member who fell within the upper 50% in both categories. Although the results of these analyses are set out in the main body of this article, substantial additional data are set forth in the Appendices.<sup>65</sup>

With any large undertaking of this sort, there are several other shortcomings in the data that must be acknowledged at the outset. Despite the best efforts to code and record the data accurately, it is inevitable that a handful of data entry errors may creep into the recording of the over 10,000 examined individual records. Efforts were made to reduce such coding errors to a minimum by cross-checking the entry of information from each document. Secondly, the data should not be misconstrued to be understood as indicating who is necessarily a “better” Senator, or even a “better” legislator. Surely, it is something of an understatement to say that the legislative process is quite complicated. Different members may possess different strengths and this analysis is designed to capture only one discrete skill set.

Similarly, a member may work for years – bridging several congresses – on a signature piece of legislation that has enormous impact. The bankruptcy bill, which was finally enacted in 2005, has its origins as far back as 1994 in the 103rd Congress. In nearly each Congress since then, a bankruptcy reform bill was introduced, ultimately to founder in committee or on the Senate floor. Nevertheless, enactment of the bill was a monumental achievement (or an unmitigated disaster, depending upon one’s perspective) consuming enormous member and staff resources. Alternatively, a member may successfully

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65. The results of these analyses are set out in the main body of this memo. Substantial additional data is included in the Appendix.

shepherd a series of smaller legislative initiatives through a single Congress. Such bills may be narrow in scope and garner little opposition, but nevertheless take a substantial time investment on the sponsoring member's behalf.

This analysis thus provides an important, albeit incomplete, picture of any individual member's legislative efforts. In addition, a Senator who is neither a sponsor nor a co-sponsor of a particular bill may still have had a substantial effect on the bill's content in the conference committee or through staff discussions, but this impact would not be formally acknowledged in the LIS data and would therefore be lost to this analysis. This is particularly significant in that Senate leadership, defined to include party leaders and committee chairmen, will often take a bill as their "own" even if the substantive work may have actually been performed by another member. Capturing the true efforts of each member who sponsors legislation is difficult, if not impossible. Indeed, even members opposing legislation may have a profound impact on the way in which the legislation is shaped, because often amendments will be adopted merely to appease the interests of certain members in an effort to gain their vote, to address their legitimate concerns, or to stymie efforts to delay the bill's consideration. Capturing such efforts is not easily done with available data sets. This examination also did not record amendments offered and adopted either in the committee of jurisdiction, on the Senate floor, or in the conference committee. Some members, particularly more junior members, may find it far more effective to represent their constituents by proposing amendments than by shepherding particular pieces of legislation. Even a single offered amendment, for example, may sometimes have a significant effect upon legislation (whether adopted or not), but it is beyond the scope of this article to tease out the effect of amendments. A Senator who chooses to legislate through this route, however, is no less a legislator than one who is responsible for introducing numerous pieces of legislation. In fact, the seniority system generally ensures that Senate leaders, committee chairmen, and other more senior members may be over-represented on the list of those enjoying legislative success. Although its impact may have lessened somewhat in recent years, seniority still matters.

Finally, where the substance of a bill that dies (whether in committee or on the floor) is incorporated into a second or subsequent piece of legislation that passes, it is difficult to trace the substantive legislative success to its proper source in the initial bill's chief sponsor or primary author. Indeed, bills can surface and resurface over the course of many years before they finally become ripe for passage. It is difficult to apportion properly the credit involving a piece of legislation that the Senate has batted around for years before deciding finally to act, or that has become incorporated into a larger piece of legislation. Thus, this article will examine only one sliver, albeit an important sliver, of the legislative process pie.

#### *Predictive Factors in Legislative Success*

While the legislative process is complicated, to be sure, and intentionally designed by the Constitution's Framers to be complicated as a means of

ensuring personal liberty by circumscribing government action, certain predictors may suggest individual members who are more likely to hold sway over that process. In particular, party affiliation (majority versus minority), leadership positions, committee chairmanships, seniority in the chamber, prior legislative experience, and certain political considerations all may portend legislative success.

The two major political parties control action in the Senate and serve as the informal structure around which the formal structure is organized. Membership in the majority party enables a Senator to be in a better position both to secure necessary votes and to garner the attention of her party's leadership. While the Senate enjoys rules to protect the interests of the minority party, at the day's end, votes matter in a majoritarian body. And the majority party (especially if it is a filibuster-proof majority) is presumed to command the votes to control the legislative agenda.<sup>66</sup>

Majority status confers upon the party in power access to the all-important committee chairmanships as well as the positions of Majority Leader and President Pro Tempore. The Majority Leader is the single most powerful member of the body in that he is presumed to control the majority voting block and enjoys the right of first recognition on the floor.

The work of the Senate is done largely within the individual committees, and there, the committee chairmen rule. Seniority determines (with the exception of the term limits adopted by Senate Republicans as previously discussed) who holds the chairmanships. It is not altogether uncommon for a committee chairman to take control over legislation proposed either by a more junior member of the Senate or by someone from the committee itself. Any member can introduce legislation, but strict parliamentary and jurisdictional rules dictate to which committee that legislation may be referred. Because the committees are the principal means through which the Senate conducts its legislative business, one Senator may introduce a bill only to find that bill referred to a committee of which she may not be a member. If a particular member happens to sit on the Agriculture and Finance Committees, for example, but introduces legislation that falls within the jurisdiction of the Judiciary Committee, it may be difficult for that legislation to be acted upon without significant support from floor or committee leadership or a personal relationship between the introducing member and the committee chair. Legislation then takes on a life of its own as it winds through the committee in preparation for discharge to the floor. Although certain bills may bypass the committee structure altogether,<sup>67</sup> Senate leadership (as well as the by-passed committee chairman) must acquiesce in bringing up the legislation on the floor for action. Without the leadership's approval (at minimum), it is unlikely for

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66. In the 109<sup>th</sup> Congress, Senate Republicans held a 56-44 edge in terms of votes, while in the 110<sup>th</sup> Congress, the Democrats held only 49 votes, but two independents (Joseph Lieberman, Independent Connecticut and Bernard Sanders, Independent Vermont) caucused with the Democrats and therefore gave them control of the chamber. See, Wikipedia, *110th United States Congress*, [http://en.wikipedia.org/wiki/110th\\_United\\_States\\_Congress#Members](http://en.wikipedia.org/wiki/110th_United_States_Congress#Members) (as of April 30, 2010, 01:29 GMT).

67. OLESZEK, *supra* note 7, at 88.

such legislation to receive consideration on the Senate floor.

Once the Senate parliamentarian refers a bill to the appropriate committee, the Chairman traditionally sets (often in consultation with leadership and the ranking minority member—at least on particularly important legislative initiatives) the legislative agenda and decides whether and when a bill will be marked up in Committee. Prior to a committee mark up, the Chairman may well schedule hearings to examine the legislation and may be involved in negotiations to obtain needed votes before the bill is ever taken up in committee. Bills are rarely voted out of a committee without the Chairman's acquiescence, if not outright approval. Thus, the chairmen play a pivotal role in the enactment of legislation—in some respects even a more significant role than that of the Majority Leader.

Prior legislative experience, especially at the national level (such as experience in the House of Representatives or previous service in the Senate), certainly may play a role in whether a member is able to negotiate the rules—both written and unwritten—to see legislation successfully enacted.

Similarly, political considerations may play an important role in determining whether, and how, legislation is moved. Occasions may exist in which the leadership may hand over a bill of considerable importance to a member who is up for re-election and may want the publicity and professional acclaim that comes with moving important legislation. An at-risk member may find himself in a better position if his hometown newspaper discovers that he is the principal driving force behind a significant legislative initiative. Such decisions usually come from party leadership and often consist of strategies for ensuring that a particular party will maintain control of the Senate.

Other political considerations will arise depending upon whether the majority party controls the White House. The President, for example, may press for legislation and draft that legislation within the Executive branch and then hand it off to the Congress for enactment. President George W. Bush, for example, pushed an immigration reform bill in the 109th Congress that largely had been drafted by lawyers within the executive branch. While that legislation was ultimately unsuccessful, it was guided through the Senate by the Judiciary Committee Chairman, Arlen Specter, who worked closely with Senator Edward Kennedy, the legislation's prime mover. Often, however, the Administration will not necessarily draft legislation, but instead will work closely with, presumed supporters to see presidential initiatives become law. When the President and the majority in the Senate (or the House) are of the same party, as was the case in the 109th Congress, close collaboration on party priorities would be expected. Different considerations obviously come into play when the President and the House and Senate Majority, as in the 110th Congress, come from different parties. While political division separating the two branches of government may force greater bi-partisanship, so too will it increase efforts to frustrate the executive branch's policy goals or to impede the Congress' legislative priorities.

As a consequence, it could be predicted that Republicans, the majority party in the 109th Congress, would control the lion's share of the legislative

agenda during that time, as they controlled the floor leadership as well as the committee chairs (not to mention the presidency). Senior Republicans, in particular, would be expected to have greater legislative success than more junior members. Moreover, given their control of leadership, it would be predicted that Republicans would be in a better position to assist at-risk members by handing plum legislative assignments to them. Majority status plainly has its benefits. What makes examining these two particular Congresses of special interest is that party control changed from the 109th to the 110th Congress, so it might be predicted that most of the benefits enjoyed by Republicans in the 109th Congress would be enjoyed by Democrats in the 110th Congress. The main exception to role reversal is that Republicans continued to control the Executive branch during the 110th Congress; thus, Democrats would not enjoy quite the same degree of political hegemony Republicans enjoyed during the 109th Congress. While the data did not lend themselves to regression analysis to consider the relationship between the presumptive predictive factors and legislative success (given that only data from two Congresses could be analyzed and that a majority of the identified predictive factors had considerable overlap), these factors were identified and examined in the course of this analysis.

#### *Legislative Impact: Findings and Commentary on the 109th Congress*

The following discussion will examine both bills and resolutions introduced and acted upon in the Senate during the 109th Congress. Bills and resolutions will first be analyzed separately; those individual results will then be combined to create a legislative scorecard. The goal of this analysis is to identify those Senators most successful in securing passage of legislative measures.

#### Substantive Legislation

Senators in the 109th Congress introduced a total of 4,122 bills, of which 297 were ultimately signed into law. The President vetoed only one bill,<sup>68</sup> which was not surprising given that the House, Senate, and Executive branch were all controlled by the Republican Party. Traditionally, when members of the same party control both houses of the Congress as well as the Presidency, a good deal of inter-branch collaboration can be expected, as well as coordination between the two houses of Congress.

Ordinarily, a bill will enjoy a principal sponsor, listed first on the legislation, followed by a series of co-sponsors. Tradition dictates that the next listed co-sponsor, if the bill is bi-partisan, will often be a member of the opposite party. Senators will then either be listed in order of first to agree to co-sponsorship or, in some cases, in order of seniority. Legislation that has been successfully enacted is more likely to have been sponsored by a member of the majority party and, given the difficulty of maneuvering a bill through the

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68. See Stem Cell Research Enhancement Act of 2005, H.R. 810, 109th Cong. (2005).

Senate, has garnered bi-partisan support. Although it may generally be assumed that the first-listed member is the bill's principal author, such is not always the case. Occasionally, a member of the Senate will introduce, as a courtesy, legislation authored chiefly by a House Member or a bill that has its origins in the executive branch. Political realities may dictate that a bill written by a more junior member will be introduced, for example, by a committee chairman. Or, party leadership may hand off a legislative measure to bolster the fortunes of a member facing a difficult re-election bid. More than one bill has been authored by a junior member only to be "taken over" by a chairman or a member serving in a leadership post. This is not necessarily a bad thing, from the more junior member's perspective, as it can be the necessary ingredient in seeing a bill become a law. Identifying actual authorship, however, is never an easy matter.

Turning to individual legislative measures, the data show that Senator Richard Santorum (Republican, Pennsylvania) led all members with 134 sponsored bills, as indicated in Table 1. Although he topped this list, he was not an especially senior member of the Senate, at forty-ninth in overall seniority. Senator Santorum did, however, enjoy a position of party leadership in the 109th Congress (Republican Conference Secretary) and was in an election cycle—facing an especially close contest. As noted, party leadership often seeks to elevate the profile of at-risk members by permitting them opportunities to sponsor legislation considered important to their individual chances at re-election. Legislative success in high profile bills is one time-honored method of bolstering one's electoral fortunes. Thus, it would not be uncommon for a Senator facing a stiff re-election bid to receive special prominence on an important piece of legislation even though that member may have played only a limited role in securing passage of the bill. Senator Santorum may have fallen into this category. Despite his prolific legislative activity, however, Senator Santorum ultimately failed in his bid for re-election.<sup>69</sup>

Michael DeWine (Republican, Ohio), who appears in the eighth position on this list, mirrors Senator Santorum in certain respects. DeWine enjoyed majority party status but ranked only forty-sixth in terms of seniority. Like Senator Santorum, DeWine faced a difficult re-election campaign, which he ultimately lost, and therefore may have been the recipient of the party leadership's attention.

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69. Jason DeParle, *A High-Profile Ouster in Pennsylvania*, N.Y. TIMES, Nov. 8, 2006, at P5, available at <http://www.nytimes.com/2006/11/08/us/politics/08penn.html?scp=1&sq=Ouster+Pennsylvania&st=nyt>.

**TABLE 1**  
**Top Ten bill sponsors**

Rank	Senator	Number of Bills Sponsored	Committee Chaired or Party Leadership Position
1	Santorum (R, PA)	134	Republican Conference Secretary
2	Feinstein (D, CA)	119	N/A
3	Schumer (D, NY)	84	Chairman of Democratic Senatorial Campaign Committee
4	Clinton (D, NY)	81	Chair of the Democratic Steering Committee
5	Snowe (R, ME)	80	Small Business
6	Smith (R, OR)	79	Aging (Special Committee)
7	Brownback (R, KS)	78	N/A
8	DeWine (R, OH)	78	N/A
9	Burr (R, NC)	74	N/A
10	Specter (R, PA)	74	Judiciary

Sponsorship of legislation is largely dependent upon three factors: personal initiative, decisions by leadership to entrust legislation with certain members, and (with respect to primary co-sponsorships), desire to have certain members on legislation to demonstrate factors such as bi-partisanship or interest by a senior member. The sponsorship or introduction of legislative measures, however, is not exclusively determined by leadership position or seniority.

This may explain, at least in part, the prominent positions of Senators Diane Feinstein (Democrat, California), Charles Schumer (Democrat, New York), and Hillary Clinton (Democrat, New York) on this list. Each of these members belonged to the minority party, yet each proved to be prolific bill sponsors. All three represent populous states (California and New York) and Senator Feinstein enjoys some seniority (thirty-sixth in overall seniority). While Senator Schumer was not a particularly senior member (sixty-fourth in overall seniority), he held a prominent leadership role in the Senate (Democratic Campaign Committee Chairman) and garnered considerable legislative experience with a tenure of eighteen years in the House of Representatives. Senator Schumer's New York counterpart, Hillary Clinton, also proved a prolific sponsor of legislation. With the benefit of hindsight, one might conclude that her activity was undertaken in preparation for her eventual run for the presidency, but throughout her relatively brief Senate career (seventy-eighth in overall seniority) Senator Clinton has been an active legislator. Her appearance on this list demonstrates, in part, the importance of personal initiative in sponsoring legislative measures but also may reflect her standing as



the former First Lady.

In some respects, it is also easier for more junior members to introduce legislation when they are in the minority party. Ordinarily, when in the majority, the introduction of legislation will be dominated by leadership and committee chairmen. To some extent, the majority party will dictate which bills are introduced and the timing for their introduction. Leadership may also discourage its party members from sponsoring competing minority party legislation. Because the majority party manages the legislative agenda, its members may face restrictions on their ability to introduce or to sponsor certain legislative measures. In contrast, members of the minority party typically will not face the same pressures that affect members of the majority and therefore will enjoy somewhat greater freedom to introduce legislation without first consulting with party leadership.

Olympia Snowe (Republican, Maine) fits within the expected profile of an active legislator. She belonged to the majority party and chaired the Small Business Committee despite being in the middle of the pack in terms of seniority (forty-fifth). Senator Snowe also was no legislative neophyte. She enjoyed a distinguished sixteen-year legislative career in the House of Representatives, which doubtless contributed to her legislative success.

Gordon Smith (Republican, Oregon), although only sixtieth in terms of seniority and without significant prior legislative experience, chaired the Special Committee on Aging and proved to be a formidable legislator. Smith did not face re-election at that time, but managed to carve out an ambitious legislative role.

Senator Sam Brownback (Republican, Kansas) also ran—albeit unsuccessfully—for the presidency in 2008. Whether that influenced his legislative accomplishments is hard to discern, but he developed an aggressive legislative agenda during the 109th Congress, despite being in the middle of the Senate with respect to seniority (fifty-second in overall seniority) and neither holding a leadership post nor being up for re-election.

Despite being only ninety-second in overall seniority, Richard Burr (Republican, North Carolina), along with Senator Arlen Specter (Republican, Pennsylvania),<sup>70</sup> a quite senior member and chair of the Judiciary Committee, rounded out the top ten. Senator Burr's accomplishments are singular in that not only did he lack overall seniority, but he also chaired no committee and held no significant leadership position. Nor was he in a position to receive special consideration by leadership. He did enjoy prior legislative experience (ten years in the House of Representatives), however, and was a member of the majority party. Senator Specter chaired a quite active Judiciary Committee that was tasked in the 109th Congress with an unusual number of high-profile legislative initiatives.<sup>71</sup> Specter also held considerable seniority— at seventeenth in overall seniority, he was the most senior member listed among

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70. Senator Specter, although a Republican in the 109<sup>th</sup> and 110<sup>th</sup> Congresses, has since switched parties to become a Democrat.

71. As a disclaimer, I served as Senator Specter's Chief Counsel and Staff Director during the 109<sup>th</sup> Congress and for the first session of the 110<sup>th</sup> Congress.

the top ten bill sponsors.

Of course, it is one thing to introduce a bill, and wholly another to shepherd it along the difficult path to enactment. The Senators who managed to see the actual passage of the highest number of bills in the 109th Congress are identified in Table 2.

**TABLE 2**  
**Top Ten who enacted the most bills**

Rank	Senator	Enact.	Committee Chaired or Party Position	# bills enacted that moved through committee they chaired	% of bills enacted that moved through chaired committee
1	Feinstein [D-CA]	12	N/A	N/A	N/A
2	Lugar [R-IN]	11	For. Rel.	3	27%
3	Inhofe [R-OK]	11	EPW	6	55%
4	Enzi [R-WY]	10	HELP	5	50%
5	Grassley [R-IA]	10	Finance	7	70%
6	Craig [R-ID]	8	Vet. Affairs	0	0%
7	Specter [R-PA]	8	Judiciary	4	50%
8	Hatch [R-UT]	7	N/A	N/A	N/A
9	Santorum [R-PA]	7	N/A	N/A	N/A
10	Domenici [R-NM]	7	Energy & Nat. Resources	4	57%

The enactment of legislation is a complicated matter involving work not only within the Senate, but also requires reaching out to the House of Representatives and the Executive Branch. Seldom is any one person responsible for the ultimate success (or failure) of a bill. If anything, Table 2 highlights the importance of committee chairmanships, which provide the occupant the ability to set committee agendas and to move preferred legislation. Of the ten Senators who enacted the most legislation, seven were committee chairs: Senators Richard Lugar (Republican, Indiana; Chairman of the Committee on Foreign Relations), James Inhofe (Republican, Oklahoma; Chairman of the Committee on the Environment and Public Works), Michael Enzi (Republican, Wyoming; Chairman of the Committee on Health, Education, Labor, and Pensions), Charles Grassley (Republican, Iowa; Chairman of the Committee on Finance), Larry Craig (Republican, Idaho; Chairman of the Committee on Veteran's Affairs), Arlen Specter; Chairman of the Committee on the Judiciary) and Peter Domenici (Republican, New Mexico; Chairman of the Committee on Energy and Natural Resources). Of those seven chairmen, all but two (Craig and Lugar) owe half or more of their legislative successes to bills

that moved through their own committees. Senator Orrin Hatch (Republican, Utah), while not a committee chairman,<sup>72</sup> was nevertheless a senior member of the majority party (tenth in overall seniority) and known throughout his career as an especially prolific legislator. Senator Feinstein's accomplishments in a Republican-dominated Senate are especially noteworthy. She hails from a populous state and is known to be a bi-partisan legislator. Arguably, Senator Feinstein's relative success belies in part the notion that the recent Senate was unusually partisan.

As a measure of legislative efficacy, the total *number* of successes must be considered in the context of the overall success *rate*. The ten Senators with the highest success rate calculated as the percentage of introduced bills ultimately enacted is set out in Table 3.

**TABLE 3**  
**Ten highest enactment rates for bills**

Rank	Senator	Spons.	Enact.	Success Rate	Committee Chaired or Party Position	# of bills enacted moved through chaired comm.	% of bills enacted moved through chaired comm.
1	Sununu (R-NH)	14	5	35.7%	N/A	N/A	N/A
2	Warner (R-VA)	19	6	31.6%	Arm. Serv.	6	100%
3	McConnell (R-KY)	7	2	28.6%	Maj. Whip	N/A	N/A
4	Coburn (R-OK)	11	3	27.3%	N/A	N/A	N/A
5	Enzi (R-WY)	39	10	25.6%	HELP	5	50%
6	Roberts (R-KS)	13	3	23.1%	Intelligence	0	0%
7	Lugar (R-IN)	51	11	21.6%	For. Rel.	N/A	N/A
8	Craig (R-ID)	40	8	20.0%	Vet. Aff.	0	0%
9	Shelby (R-AL)	10	2	20.0%	Banking	1	50%
10	Inhofe (R-OK)	56	11	19.6%	EPW	2	55%

Notice again the importance of Committee Chairmanships, leadership positions, and party affiliation. Of the ten Senators with the highest success rate, four chaired committees that handled approximately half of the legislation those Senators eventually succeeded in passing and all ten were members of the majority party. Particularly notable is Senator John Warner (Republican, Virginia) whose roughly 32% success rate derives from the six sponsored bills he eventually passed, each of which moved through the Armed Services Committee, which he also chaired. Senators John Sununu (Republican, New

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72. Senator Hatch fell victim to the Republican term limit on chairmanships. Although Hatch was the long-time chair and ranking of the Judiciary Committee, he was replaced in the 109<sup>th</sup> Congress by Arlen Specter. Despite his seniority, Senator Hatch was not in line to serve as the chair of any other Senate standing Committee.

Hampshire), and Thomas Coburn's (Republican, Oklahoma) accomplishments are particularly noteworthy in that neither chaired a Committee, held a significant leadership role, or enjoyed seniority (Sununu was eighty-sixth and Coburn ninety-fourth in overall seniority). Each Senator was a member of the majority party, however, and each had served three terms in the House of Representatives prior to his election to the Senate, and so enjoyed some national legislative experience. Larry Craig stands out as a bit of an anomaly in that he proved to be a successful legislator even though none of his success was achieved within the committee he chaired. The same holds true for Senator Roberts—although the Intelligence Committee is generally not a prolific legislating committee so it would not be expected that many of that chairman's legislative successes would be attributable to his committee leadership.

A high success rate, however, is less meaningful for Senators who did not introduce many pieces of legislation. For example, in the table referenced above, Senator Mitch McConnell's (Republican, Kentucky) success rate is approximately equal to that of the second place finisher, Senator Warner, but Senator McConnell sponsored only a third as many bills. In light of his role as the assistant majority leader, he might be expected to enjoy legislative success. At minimum, a floor leadership position of this sort would provide him with a strong platform from which to push legislation. But, because Senator McConnell was not as active at the committee level, he might not have been in the position to sponsor as many pieces of legislation.

To account for the number of bills introduced, it is instructive to examine the enactment rates of those Senators who also introduced the most bills. The results of this analysis are thus set forth in Table 4.

Of the ten Senators who introduced the highest number of bills in the 109th Congress, Senator Arlen Specter had the highest enactment rate with nearly eleven percent of the bills he introduced being enacted into law. Specter, as a senior member of the majority party (seventeenth in overall seniority), chaired the Judiciary Committee during a particularly historic time that witnessed, among other things, the confirmation of two new Supreme Court Justices, including the Chief Justice of the United States, as well as the enactment of several signature pieces of legislation.

Senator Clinton's appearance on this list is interesting because while she enjoyed a leadership position (Chair of the Democratic Steering Committee), again, she was a member of the minority party and not a particularly senior member of the body (seventy-eighth in overall seniority). Yet, Senator Clinton ranks behind only Senators Specter and Feinstein in terms of successfully seeing her legislative efforts bear fruit. Senator Clinton, of course, was preparing for a run at the presidency, and held a leadership position in her party. Her husband was effectively the dean of the Democratic Party and, as the former First Lady, it was widely acknowledged that she had assembled a formidable organization to propel her to the presidency. It is difficult to know whether Senator Clinton's presidential ambitions spurred her to become a prolific legislator. The numbers suggest her ambitions were helpful in terms of racking up legislative accomplishments in the Senate.

That success is particularly praiseworthy given the difficulty of her moving legislation at a time when she was not only a member of the minority party, but also perceived to be a potential candidate for the presidency. Republicans, presumably, would have had little incentive to encourage her legislative success. Democrats might be expected to assist her efforts, but three other Democratic members, including the eventual victor (Obama) and two more senior members (Biden and Dodd) were running as well.

The other minority party members on the list, Senators Feinstein and Schumer, proved similarly adept at moving legislation through the Senate. That three of the ten most successful legislators came from the minority party suggests that the Senate proved more bi-partisan than some have suggested. Senators Schumer and Clinton, of course, call New York home and Senator Feinstein, as a Californian, joins with her New York colleagues to represent two of the nation's most populous states. Senate budgets are awarded, in part, based upon the represented state's population. The command of larger staffs may also contribute to the success enjoyed by Senators Feinstein, Clinton, and Schumer in a Republican-dominated Senate.

The other interesting appearance in this table is Senator Burr. As noted, Senator Burr enjoyed none of the prerequisites of party leadership or seniority status, yet he proved himself to be an able legislator.

TABLE 4

Success rate in enacting legislation in the 109th Congress

Rank	Senator	Spons.	Enact.	Success Rate	Committee or Chaired or Party Position
1	Specter (R-PA)	74	8	10.8%	Chair of Judiciary
2	Feinstein (D-CA)	119	12	10.1%	N/A
3	Clinton (D-NY)	82	7	8.5%	Chair of the Democratic Steering Committee
4	DeWine (R-OH)	78	6	7.7%	N/A
5	Santorum (R-PA)	134	7	5.2%	Republican Conference Secretary
6	Brownback (R-KS)	78	4	5.1%	N/A
7	Schumer (D-NY)	85	4	4.7%	Chairman of Democratic Senatorial Cmtee.
8	Smith (R-OR)	79	3	3.8%	Chair of Aging (Special Committee)
9	Burr (R-NC)	74	2	2.7%	N/A
10	Snowe (R-ME)	80	2	2.5%	Small Business

### Summary of Findings with Respect to Resolutions

Senators in the 109th Congress introduced a total of 798 resolutions. This represents an increase of seventeen percent in resolutions introduced over the Senate in the prior Congress, and a twenty-eight percent increase in resolutions passed over the average for the last three Congressional sessions.

Senator William Frist (Republican, Tennessee) sponsored the highest number of resolutions with eighty-two, although it should be noted that as majority leader he might be expected to introduce many of the non-controversial resolutions; he is therefore well ahead of the second place finisher, Senator Russell Feingold (Democrat, Wisconsin).

Table 5 presents a list of the top sponsors of resolutions. While the list of eleven Senators (a three-way tie existed for the final slot) is dominated by the majority party, it is interesting to note that Senator Feingold sponsored the second highest number of resolutions and Senators Joseph Biden (Democrat, Delaware, another contender for the presidency in 2008 and the eventual Vice-President) and Richard Durbin (Democrat, Illinois) were not far behind. Although Senator Feingold was not particularly senior (ranking fortieth in overall seniority), Senator Biden was (ranking sixth in overall seniority) and Senator Durbin held an important leadership position as assistant minority leader (the Democratic Whip).

**Table 5**  
**Top resolution sponsors**

Rank	Senator	Number of Resolutions Sponsored
1	Frist (R-TN)	82
2	Feingold (D-WI)	25
3	Lugar (R-IN)	22
4	Santorum (R-PA)	22
5	Biden (D-DE)	21
6	Coleman (R-MN)	21
7	Brownback (R-KS)	19
8	Durbin (D-IL)	17
9 - Tie	Landrieu (D-LA)	15
9 - Tie	Lott (R-MS)	15
9 - Tie	Smith (R-OR)	15

Although, as previously discussed, it is doubtless easier to pass a resolution than a bill, knowing which Senators were most successful in passing resolutions helps us assess their overall legislative activity. Thus, Table 6 provides data on the number of resolutions each member passed. Senator Frist proved not only the most prolific member in terms of sponsoring resolutions, but he also topped the list in terms of seeing the highest number of resolutions actually passed. Interestingly, Biden and Feingold, both members of the minority party, capture

the second and third spots. The minority whip (Richard Durbin) followed by Senator Ken Salazar (Democrat, Colorado), also appear on the list. Senator Salazar's efforts are particularly interesting in that he was a member of the minority party and held neither a leadership position in the 109th Congress nor did he possess seniority. Senator Salazar also lacked significant prior legislative experience, having never been a member of the House or even a member of the Colorado state legislature. He was also not in cycle for re-election, so would not have been a target for his party leadership's assistance. While he did not sponsor a large number of resolutions, Senator Salazar effectively managed them to eventual passage.

Thus, of the top eleven members in terms of passing the highest number of resolutions, members of the minority party hold four of the eleven positions. Their prevalence in this list may be due to the fact that resolutions are much less controversial than bills, so the likelihood of a member of either the majority or minority parties successfully passing a resolution is higher. Less concern may be focused on resolutions, and therefore party affiliation may simply be of less consequence.

**TABLE 6****Eleven Senators who passed the most resolutions**

Rank	Senator	Number of Resolutions Passed
1	Frist (R-TN)	78
2	Biden (D-DE)	16
3	Feingold (D-WI)	13
4	Lott (R-MS)	13
5	Inhofe (R-OK)	13
6	Durbin (D-IL)	11
7 - Tie	Salazar (D-CO)	10
7 - Tie	Lugar (R-IN)	10
7 - Tie	Santorum (R-PA)	10
7 - Tie	Stevens (R-AK)	10
7 - Tie	Coleman, Norm (R-MN)	10

Once again, as a measure of legislative efficacy, the total number of resolutions introduced must be understood in the context of their overall passage rate. The ten Senators with the highest passage rates calculated as the percentage of resolutions introduced ultimately enacted is set out in Table 7.

**TABLE 7****Ten Senators with the highest passage rate for resolutions**

Rank	Senator	Sponsored	Passed	Success Rate
1 - Tie	Bennett (R-UT)	2	2	100.0%
1 - Tie	Chafee (R-RI)	2	2	100.0%
1 - Tie	Corzine (R-NJ)	2	2	100.0%
1 - Tie	Hutchison (R-TX)	7	7	100.0%
1 - Tie	Murkowski (R-AK)	9	9	100.0%
1 - Tie	Nelson (R-NE)	3	3	100.0%
1 - Tie	Reed (D-RI)	2	2	100.0%
1 - Tie	Voinovich (R-OH)	3	3	100.0%
9	Frist (R-TN)	82	78	95.1%
10	Inhofe (R-OK)	14	13	92.9%

As might be expected, members of the majority party dominate this list, holding nine of the top ten positions—only Senator John Reed (Democrat, Rhode Island) represents the minority party on this list. But this analysis deserves further refinement because a high success rate is less meaningful for Senators who did not introduce a significant number of resolutions. For example, eight of the ten senators in Table 7 have a 100% success rate yet, yet none of them introduced more than nine resolutions, whereas the bottom two Senators whose success rate is only slightly lower offered eighty-two and fourteen resolutions respectively. Standing by itself, success rate information tells us little.

Therefore, as with the bills, the a more useful approach to identifying the most productive members in terms of sponsoring and passing resolutions should consider the success rates of only those Senators who also introduced the most resolutions. The results of this analysis are set out in Table 8.

Of the ten Senators who introduced the most resolutions in the 109th Congress, Senators Frist, Trent Lott (Republican, Mississippi), and Biden experienced the highest success rate. Four other senators on the list, Durbin, Mary Landrieu (Democrat, Louisiana), Smith, and Feingold, each had a success rate of better than 50%.

**TABLE 8****Most successful Senators out of the Top eleven who also introduced the most resolutions**

Rank	Senator	Sponsored	Passed	Success rate
1	Frist (R-TN)	82	78	95.1%
2	Lott (R-MS)	15	13	86.7%
3	Biden (D-DE)	21	16	76.2%
4	Durbin (D-IL)	17	11	64.7%



5	Landrieu (D-LA)	15	9	60.0%
5 – Tie	Smith (R-OR)	15	9	60.0%
7	Feingold (D-WI)	25	13	52.0%
8	Coleman (R-MN)	21	10	47.6%
9	Santorum (R-PA)	22	10	45.5%
9 – Tie	Lugar (R-IN)	22	10	45.5%
11	Brownback (R-KS)	19	5	26.3%

Interestingly, the distribution of the list is fairly broad with both parties well-represented (seven Republicans and four Democrats), leadership well-represented (the majority leader as well as the minority whip), and seniority ranging from Biden (ranking sixth in overall seniority) to Norman Coleman (Republican, Minnesota) (ranking ninetieth in overall seniority).<sup>73</sup>

#### Legislative Impact: Summary of Findings for Combined Bills and Resolutions

Senators in the 109th Congress introduced a total of 4,122 bills and 798 resolutions. A total of 297 bills and 482 resolutions ultimately passed, yielding an overall enactment rate of approximately 7% for bills and 60% for resolutions—which provides empirical confirmation for the relative ease with which resolutions are passed (at roughly nine times the rate of bills).<sup>74</sup>

This statistic highlights the difficulty of combining these results into an overall measure of legislative efficacy. As previously noted, simple and concurrent resolutions have no force of law and most involve fairly benign, parochial interests and are therefore far easier to pass. While it is true that certain resolutions may prove controversial, and concurrent resolutions require the additional step of action in the House of Representatives the vast majority of resolutions are fairly inoffensive and ordinarily will be readily supported by a majority of members.

The relative ease with which resolutions are enacted compared to the passage of bills is reflected in the overall enactment rates. The enactment rate for the ten Senators who introduced the most bills ranged from 2.5% to 10.8%. The analogous rate for resolutions runs from 26% to 95%. Considering this factor alongside the sharp divergence in overall enactment rates—7% for bills and 60% for resolutions—the difficulties in combining the two become clear.

Use of a weighted average to emphasize the relative difficulty of enacting substantive legislation takes into account the passage of resolutions without over-estimating their importance. Even so, data filtering was necessary to prevent artificially high success rates from distorting the analysis. Here, however, a 10% cutoff could not be used, because few if any Senators placed in the top 10% in terms of both bills and resolutions sponsored. The cutoff was therefore expanded to include anyone in the upper 50% in both categories. The

73. See Appendix G.

74. A search on the LIS database yields slightly different numbers for bills and resolutions passed. The discrepancy is due to differences in classification.

results of this analysis appear in Table 9.

**Table 9**

**Fifteen Senators who enacted the most legislative measures as judged by weighted average of their success rate for bills and resolutions**

Rank	Sponsor	Weighted Average Success Rate
1	Inhofe (R-OK)	37.9%
2	Frist (R-TN)	32.5%
3	Lugar (R-IN)	27.5%
4	Domenici (R-NM)	26.6%
5	Specter (R-PA)	26.3%
6	Craig (R-UT)	26.1%
7	Cantwell (D-WA)	25.4%
8	Akaka (D-HI)	23.5%
9	Reid (D-NV)	23.3%
10	Allen (R-VA)	23.0%
11	Landrieu (D-LA)	21.5%
12	Collins (R-ME)	21.1%
13	Ensign (R-NV)	20.6%
13 - Tie	Durbin (D-IL)	20.6%
15	Feinstein (D-CA)	20.1%

Notice that in this list, Senator Specter who had the highest success rate for bills, comes in fifth overall. Senators Inhofe, Frist and Lugar secure the top three slots by virtue of their high success rates for passing resolutions. None of them, however, is in the top twenty on the list of Senators who introduced the most bills.

Senator Frist, as majority leader, ranked second in success rate under the weighted average. The majority leader, who holds the right of first recognition on the Senate floor, presumably commands a substantial block of votes, and wields considerable authority over setting the floor agenda, might be expected to hold the top position. The remainder of the list is populated by other Senate leadership (Reid and Durbin, in particular), important committee chairs (including Specter, Lugar, and Domenici), ranking members of particularly significant committees (Daniel Akaka, Democrat, Hawaii), and fairly senior members (such as Akaka and Domenici). While the majority party dominates this list, holding nine of the fifteen slots, the minority party is well represented with six spots on the list. Significantly, Senators Maria Cantwell (Democrat, Washington) and Mary Landrieu appear on this list even though neither was particularly senior in the body (Cantwell at seventy-fifth and Landrieu at fifty-eighth in overall seniority).

This list demonstrates the importance of party control, as well as the benefits of seniority and leadership (which, as in the case of committee chairpersons, is often tied to seniority). Of course, the analysis may be altered

by the fact that Republicans also controlled both the House of Representatives and the Presidency during the 109th Congress. As a consequence, the majority party had scant motivation to engage Democratic party members in the legislative process. If the Senate Republicans had been forced to negotiate with a Democratic President or a House controlled by the Democrats, the list might likely have been altered.

*Legislative Impact: Findings and Commentary on the 110th Congress*

The following section conducts the same analysis on bills and resolutions sponsored in the Senate during the 110th Congress. Comparing the 110th Congress with the 109th proves interesting because in the interim elections, the Democrats gained control of both the House and Senate.<sup>75</sup>

Substantive Legislation

Senators in the 110th Congress introduced a total of 3,741 bills, of which 315 were ultimately signed into law. The President vetoed eleven bills during that Congress, far more than the single bill he vetoed in the 109th and reflective of the fact that Republicans had lost control of both houses in the 2006 election cycle.

Notice first that all but one of the top ten finishers are Democrats. Secondly, eight of the ten top place finishers held either committee chairmanships or party positions. Although Senator Clinton held neither, she was the early favorite to obtain the Democratic Party's Presidential nomination. While Republicans occupied seven of the top ten spots in the 109th Congress, the reverse is true of the 110th, with Democrats dominating all but one of the top ten slots.

**TABLE 10**

**Top Ten bill sponsors**

Rank	Senator	Spons.	Committee Chaired or Party Leadership Position
1	Clinton (D-NY)	140	N/A
2	Feinstein (D-CA)	109	Rules and Administration
3	Schumer (D-NY)	105	Chairman of Democratic Senatorial Campaign Committee
4	Kerry (D-MA)	95	Small Business and Entrepreneurship
5	Durbin (D-IL)	87	Majority Whip

75. The Democrats controlled 49 seats outright and Independents Joseph Lieberman and Bernard Sanders caucused with the Democrats thus providing them with a slim 51 vote majority. Voters Usher Out Republicans, John Esterbrook, <http://www.cbsnews.com/stories/2006/12/18/2006/main2279332.shtml>.

6	Snowe (R-ME)	86	N/A
7	Dodd (D-CT)	83	Banking, Housing, and Urban Affairs
7 - Tie	Kennedy (D-MA)	83	HELP
9	Bingaman (D-NM)	78	Energy and Natural Resources
10	Akaka (D-HI)	73	Veterans Affairs

Once again, it is one thing to introduce a bill, and wholly another to shepherd it along the difficult path to enactment. The Senators who managed to see the actual passage of the highest number of bills in the 110th Congress are identified in Table 11. While only one Democrat appeared on this same list for the 109th Congress, only one Republican made the list in the 110th.

The curious thing about this table is that Senator Clinton does not appear on it. Even though she sponsored the highest number of bills, she is not in the top ten in the number of bills actually enacted. Part of the explanation may be that while it is easy for a Senator to offer a bill on the floor actually passing it often requires negotiation with colleagues. Senator Clinton was campaigning for President and may simply not have had the time to build coalitions necessary to pass a large proportion of her bills. Alternatively, given that other prominent Democratic Senators running for president—notably Senators Obama and Biden—there may have been a concerted effort within the Democratic caucus to stymie Senator Clinton's legislative agenda.

TABLE 11

## Top Ten who enacted the most bills

Rank	Senator	Enact.	Committee Chaired or Party Position	# of bills enacted that moved through they chaired	% of bills enacted that moved through chaired
1	Kennedy (D-MA)	20	HELP	4	20%
2	Feinstein (D-CA)	14	Rules and Administration	1	7%
3 -Tie	Leahy (D-VT)	12	Judiciary	9	75%
3 -Tie	Biden (D-DE)	12	Foreign Relations	3	25%
3 -Tie	Harkin (D-IA)	12	Agriculture, Nutrition, and Forestry	1	8%

6	Smith (R-OR)	10	N/A	N/A	N/A
7	Schumer (D-NY)	9	Chairman of Democratic Senatorial Campaign Committee	N/A	N/A
8	Dodd (D-CT)	9	Banking, Housing, and Urban Affairs	4	44%
9 - Tie	Durbin (D-IL)	8	Majority Whip	N/A	N/A
9 - Tie	Baucus (D-MT)	8	Finance	3	38%
9 - Tie	Reid (D-NV)	8	Majority Leader	N/A	N/A

As previously explained, to measure legislative efficacy, the total *number* of successes must be considered in the context of the overall success *rate*. The ten Senators with the highest success rate calculated as the percentage of introduced bills ultimately enacted is set out in Table 12.

**TABLE 12****Ten highest enactment rates for bills**

Rank	Senator	Spons.	Enact.	Success Rate	Committee Chaired or Party Position	# of bills enacted moved through chaired comm.	% of bills enacted moved through chaired comm.
1	Warner (R-VA)	14	5	35.7%	N/A	N/A	N/A
2	Leahy (D-VT)	47	12	25.5%	Judiciary	9	75%
3	Sununu (R-NH)	12	3	25.0%	N/A	N/A	N/A
4	Kennedy (D-MA)	83	20	24.1%	HELP	4	25%
5	Biden (D-DE)	51	12	23.5%	For. Rel.	3	25%
6	Voinovich (R-OH)	30	7	23.3%	N/A	N/A	N/A
7	Cardin (D-MD)	26	5	19.2%	N/A	N/A	N/A
8	Harkin (D-IA)	63	12	19.0%	Agriculture, Nutrition, and Forestry	1	8%
9	McCaskill (D-MO)	18	3	16.7%	N/A	N/A	N/A
10	Hatch (R-UT)	31	5	16.1%	N/A	N/A	N/A

Unlike the analogous table for the 109th Congress, which featured names of the majority party only, this one is fairly evenly split with six Democrats and four Republicans on the list. The difference may be due to the fact that the Democratic majority in the 110th Congress was quite thin, 51-49, while the Republican majority in the 109th was a more substantial 55-45 advantage, suggesting that there might have been a greater need for bipartisanship to pass legislation in the 110th Congress.

To account for the number of bills introduced, it is instructive to examine the enactment rates of those Senators who also introduced the most bills. The results of this analysis are set forth in Table 13.

**TABLE 13**

**Top Ten Enactment Rate among those Senators who also Introduced the Most Bills in the 110th Congress**

Rank	Senator	Sponsored	Enacted	Success Rate	Committee or Chaired Party Position
1	Kennedy (D-MA)	83	20	24.1%	HELP
2	Feinstein (D-CA)	109	14	12.8%	Rules and Administration
3	Dodd (D-CT)	83	9	10.8%	Banking, Housing, and Urban Affairs
4	Akaka (D-HI)	73	7	9.6%	Veterans Affairs
5	Durbin (D-IL)	87	8	9.2%	Majority Whip
6	Schumer (D-NY)	105	9	8.6%	Chairman of Democratic Senatorial Cmtee.
7	Bingaman (D- NM)	78	4	5.1%	Energy and Natural Resources
8	Clinton (D-NY)	140	5	3.6%	N/A
9	Kerry (D-MA)	95	3	3.2%	Small Business and Entrepreneurship
10	Snowe (R-ME)	86	2	2.3%	N/A

Not unsurprisingly, Democratic members dominate this list. Senator Edward Kennedy (Democrat, Massachusetts), one of the most senior and most well-known members of the body, ranks first among those Senators sponsoring the highest number of legislative matters. His impressive success rate is nearly double that of the second place finisher Senator Feinstein although she offered more bills than he did. Senator Clinton reappears on this list by virtue of having offered the most bills but this time she ranks near the bottom with a

success rate of only 3.2%—again possibly due to issues surrounding her presidential aspirations.

### Summary of Findings with Respect to Resolutions

Senators in the 110th Congress introduced a total of 882 resolutions. This represents an increase of 30% in resolutions introduced over the 109th Senate, but a 28% increase in resolutions passed over the average for the last three Congressional sessions, which is consistent with the three-year number for the 109th Senate.

Table 14 presents a list of the top sponsors of resolutions. As in the 109th, the majority leader, Senator Harry Reid (Democrat, Nevada), leads the pack, with 68, nearly twice as many sponsored resolutions as the second place finisher. On this list though, the majority party dominates eight of the top nine positions on the list. Senator McConnell, who is sixth, presumably benefited from being minority leader and thus *pro forma* sponsor of a number of procedural resolutions. Two other Republicans are tied for tenth—Lugar and David Vitter (Republican, Louisiana) join Democrat Christopher Dodd for the tenth spot. One possible explanation is that Democrats saw non-binding resolutions as a way to express disagreement with an unpopular President in an election year without actually having to overcome a filibuster or override a veto that might accompany substantive legislation on controversial issues such as the Iraq War.

**TABLE 14**

**Top resolution sponsors**

Rank	Senator	Number of Resolutions Sponsored
1	Reid (D-NV)	68
2	Biden (D-DE)	38
3	Feinstein (D-CA)	29
4	Clinton (D-NY)	24
5	Durbin (D-IL)	23
6	McConnell (R-KY)	21
7	Kerry (D-MA)	20
8	Feingold (D-WI)	19
9	Brown (D-OH)	18
10 - Tie	Lugar (R-IN)	16
10 - Tie	Vitter (R-LA)	16
10 - Tie	Dodd (D-CT)	16

Despite the considerably easier path for successfully passing a resolution, knowing which Senators were most successful in passing resolutions nonetheless provides an additional measure for assessing legislative productivity.

**TABLE 15****Ten Senators who passed the most resolutions**

Rank	Senator	Number of Resolutions Passed
1	Reid (D-NV)	63
2	Biden (D-DE)	26
3	McConnell (D-KY)	20
4	Feinstein (D-CA)	20
5	Durbin (D-IL)	15
6	Murkowski (R-AK)	14
7 - Tie	Lugar (R-IN)	11
7 - Tie	Kerry (D-MA)	11
7 - Tie	Chambliss (R-GA)	11
7 - Tie	Feingold (D-WI)	11
7 - Tie	Hatch (R-UT)	11

Once again, as a measure of legislative efficacy, the total number of resolutions introduced must be understood in the context of their overall enactment rate. The ten Senators with the highest enactment rates calculated as the percentage of resolutions introduced ultimately enacted is set out in Table 16.

**TABLE 16****Ten Senators with the highest passage rate for resolutions**

Rank	Senator	Sponsored	Passed	Success Rate
1 - Tie	Murkowski (R-AK)	14	14	100.0%
1 - Tie	Crapo (R-ID)	9	9	100.0%
1 - Tie	Reed (D-RI)	7	7	100.0%
1 - Tie	Roberts (R-KS)	4	4	100.0%
1 - Tie	Pryor (D-AR)	4	4	100.0%
1 - Tie	Cantwell (D-WA)	3	3	100.0%
1 - Tie	Whitehouse (D-RI)	3	3	100.0%
1 - Tie	Bunning (R-KY)	2	2	100.0%
1 - Tie	Sununu (R-NH)	2	2	100.0%
1 - Tie	Kyl (R-AZ)	2	2	100.0%
1 - Tie	McCaskill (D-MO)	2	2	100.0%
1 - Tie	Carper (D-DE)	1	1	100.0%
1 - Tie	Craig (R-WY)	1	1	100.0%
1 - Tie	Bennett (R-UT)	1	1	100.0%

Again, a high success rate is less meaningful for Senators who did not introduce a significant number of resolutions. For example, all fourteen Senators (who all tied for first place!) in Table 16 have a 100% success rate yet, yet only three of them offered more than four resolutions. Compare this with



Senator Biden who enacted twenty-six resolutions, but does not even make the list. Standing by itself, success rate information tells us little. Nevertheless, Senator Lisa Murkowski's (Republican, Alaska) 100% enactment rate does stand out, because she appears not only on this list, but also on the list of those who enacted the most resolutions.

A more useful approach to identifying the most productive members in terms of sponsoring and passing resolutions should consider the success rates of only those Senators who also introduced the most resolutions. The results of this analysis are set out in Table 17.

**TABLE 17**

**Most successful Senators out of the Top Twelve who also introduced the most resolutions**

Rank	Senator	Sponsored	Passed	Success rate
1	McConnell (R-KY)	21	20	95.2%
2	Reid (D-NV)	68	63	92.6%
3	Feinstein (D-CA)	29	20	69.0%
4	Lugar (R-IN)	16	11	68.8%
5	Biden (D-DE)	38	26	68.4%
6	Durbin (D-IL)	23	15	65.2%
7	Feingold (D-WI)	19	11	57.9%
8	Kerry (D-MA)	20	11	55.0%
9	Dodd (D-CT)	16	8	50.0%
10	Brown (D-OH)	18	8	44.4%
11 - Tie	Clinton (D-NY)	24	9	37.5%
11 - Tie	Vitter (R-LA)	16	6	37.5%

#### Legislative Impact: Summary of Findings for Combined Bills and Resolutions

Senators in the 110th Congress introduced a total of 3,741 bills and 882 resolutions. A total of 315 bills and 558 resolutions ultimately passed, yielding an overall enactment rate of approximately 8% for bills and 63% for resolutions – which provides empirical confirmation for the relative ease with which resolutions are passed (at approximately eight times the rate of bills).<sup>76</sup>

This statistic again highlights the difficulty of combining these results into an overall measure of legislative efficacy. As previously noted, simple and concurrent resolutions have no force of law and most involve fairly benign, parochial interests and are therefore far easier to pass. While it is true that certain resolutions may prove controversial, and concurrent resolutions require the additional step of action in the House of Representatives, the vast majority of resolutions that members offer are fairly inoffensive and ordinarily will be

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76. A search on the LIS database yields slightly different numbers for bills and resolutions passed. The discrepancy is due to differences in classification.

readily supported by a majority of members.

The relative ease with which resolutions are enacted compared to the passage of bills is reflected in the overall enactment rates. In the 109th Congress, the success rate for the ten Senators who introduced the largest number of bills ranged from 2.5% to 10.8%, while the analogous success rate for resolutions ran from 26% to 95%. The difference in success rates between bills and resolutions in the 110th Congress is only slightly less dramatic. Considering this factor alongside the sharp divergence in overall enactment rates—8% for bills and 63% for resolutions—the difficulties in combining the two become clear.

The enactment rate for the ten Senators who introduced the most bills ranged from 2% to 24%. The analogous rate for resolutions runs from roughly 37% to 95%. Use of a weighted average to emphasize the relative difficulty of enacting substantive legislation takes into account the passage of resolutions without over-estimating their importance. Even so, data filtering was necessary to prevent artificially high success rates from skewing the analysis. For this analysis, however, a 10% cutoff could not be used, because few if any Senators placed in the top 10% in terms of both bills and resolutions sponsored. The cutoff was therefore expanded to include anyone in the upper 50% in both categories. The results of this analysis appear in Table 18.

**TABLE 18**

**Fifteen Senators who enacted the most legislative measures as judged by weighted average of their success rate for bills and resolutions**

Rank	Sponsor	Weighted Average Success Rate
1	Voinovich (R-OH)	37.5%
2	Reed (D-RI)	35.3%
3	Hatch (R-UT)	35.0%
4	Biden (D-DE)	34.8%
5	Harkin (D-IA)	34.3%
6	Murkowski (R-AK)	33.0%
7	Reid (D-NV)	32.8%
8	Cantwell (D-WA)	30.5%
9	Murray (D-WA)	28.6%
10	Hutchison (R-TX)	28.2%
11	Allard (R-CO)	27.9%
12	Feinstein (D-CA)	26.9%
13	Domenici (R-NM)	26.3%
14	Inhofe (R-OK)	23.7%
15	Durbin (D-IL)	23.2%

*A Tale of Two Senates*

As the data show, party control matters. A comparison of the 109th and

110th Congresses is of interest because both chambers changed between the two Congresses, with the Democrats seizing slim majorities in both the House and the Senate. Majority status conferred substantial procedural advantages on the party in control. While Republicans largely dominated the lists with respect to legislative success in the 109th Congress, the positions shifted and the Democrats came into their own in the 110th Congress. Although the Democrats held only a slim majority in the Senate—and Republicans maintained control of the executive branch—Democrats nevertheless were able to improve their legislative fortunes considerably by taking over the Senate and House. Even so, minority party members were not without clout in either Congress. Although Republicans dominate the list of members who enacted the most bills in the 109th Congress, Senator Diane Feinstein, a Democrat, actually tops the list. In terms of success rates for enactments, both Senators Feinstein and Hillary Clinton do quite well. If one examines the list of the top fifteen members in terms of both bills enacted and legislation passed, six Democrats appear on the list, of whom three (Reid, Clinton, and Schumer) held substantial leadership positions within their caucus.

In the 110th Congress, after control of the Senate shifted from Republicans to Democrats, Senator Smith, a Republican from Oregon, managed to appear in the top ten of those who enacted the most bills, and Senators Warner, Sununu, George Voinovich (Republican, Ohio), and Hatch, all Republicans, appear among those with the highest enactment rates for bills. With respect to the weighted list of the fifteen Senators who enacted the most legislative measures, which includes resolutions as well as bills, the parties are fairly evenly divided, with eight Democrats and seven Republicans appearing on the list. And, among the top five, Republicans Voinovich and Hatch occupy ranks one and three on the list, respectively. While majority status plainly confers substantial benefits on members in terms of moving legislation through the Senate, it is not the only factor in gauging legislative success. Once party control is removed from the mix, it is clear that leadership positions and seniority prove effective tools for moving legislation. Seniority suggests that a member who has served longer will have formed more working relationships with other members and will have mastered the sometimes arcane Senate procedural rules. More senior members might also enjoy benefits in terms of staff—experienced staffers are likely to gravitate to members who have well established “brand names.” Similarly, Senators who hail from large states command proportionately greater budgets and therefore are in a position simply to hire more staff. Just having more bodies to throw at legislative problems may in and of itself be advantageous.

As might be expected, party affiliation, leadership positions, and seniority status (with considerable overlap in the latter two factors) appear to be fairly accurate predictors of legislative success. Unfortunately, given the limitations of the data set that make it difficult, if not impossible, to run regression analysis to determine whether these factors do play a role in legislative effectiveness,

this article is limited in scope.<sup>77</sup> Hopefully, as additional data becomes available, a more definitive picture may emerge.

Nevertheless, these factors, standing alone, do not tell the whole story. Prior legislative experience, personal initiative, and a host of other factors equally difficult to measure also come into play. More research is needed to determine the strength of these predictive factors. In particular, it would be of value to have a greater number of years of data available and to be able to isolate individual factors with respect to specific members over time. It should prove interesting to compare these results over time as party majorities shift in Congress and the Presidency changes parties as well as hands.

### CONCLUSION

Success as a member of a legislative body is often popularly measured in terms of legislative accomplishments. Although only a rough measure of legislative prowess, however, it is interesting to examine the relative success rates among members. This article was intended to identify those Senators who proved most effective at shepherding legislation to enactment and to analyze those factors that appear to predict such success. Although a number of caveats remain, and data limitations make it difficult accurately to predict factors contributing to legislative success, the numbers do demonstrate the importance of majority party status, seniority, and holding a leadership position for purposes of successfully enacting legislation. Interestingly, however, the Senate reveals its inherently bipartisan nature in that a number of members of the minority party proved to be successful in fulfilling their legislative aims. Similarly, several members who might not have been predicted to be successful legislators based upon traditional measures, managed to make their presence in the chamber felt. Personal initiative, even in the face of minority party status or lack of seniority or a leadership position of some sort, is doubtless an important ingredient to legislative success.

Even so, membership in the majority party, as would be expected, was an important touchstone to legislative success. This was particularly highlighted when one compares the 109th to 110th Congress. Democrats and Republicans switched places in terms of legislative success, thus re-enforcing the notion that party control matters. While it is useful, and interesting, to examine the legislative efforts of individual Senate members, the numbers presented here tell only a small part of the overall story. The legislative process is nothing if not complicated, fraught with numerous pitfalls, and requiring considerable strategic planning. A member who works behind the scenes on behalf of her constituency, for example, may be a more effective advocate for her state than

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77. Indeed, regression analysis of the data sets was run, but met with limited success. Given the number of overlapping factors used to predict success and the relatively brief time span analyzed (four years), more information covering a longer period of time is needed to develop conclusions on which it is possible to rely. Until then, we are left with creating a legislative score card of sorts in an attempt to pierce the legislative veil.

one who is a prominent sponsor of legislation. Similarly, opposing legislation or proposing amendments is as important to the process as sponsoring legislation. As with any deliberative body, legislative success must be understood as being more than the product of simple legislative enactment. It is a combination of effort, judgment, advocacy, and thoughtfulness that cannot possibly be captured fully in any empirical study. Similarly, data limitations make it difficult to examine predictive factors in any sort of depth or with any degree of certainty. A principle criticism of work of this sort is that it does little more than describe what congressional observers have long understood: party control, seniority, and the leadership positions that come with that seniority, matter.

Nevertheless, it is interesting and of considerable worth to examine the legislative efforts of individual members. The empirical data assembled here allows us to hold legislators accountable for their activity at some level and represents a first step towards using hard data to evaluate legislative success. It further enables us to glimpse inside the workings of the Senate and allows us to focus on the strategic decisions made by Senate leaders to move particular legislative agendas. One thing this analysis lays bare is that, within the Senate, organizational rules, leadership positions, and party structure play significant roles in the way in which the legislative process unfolds and bills ultimately become laws. Despite changes made to the structure and operation of the Senate through the years, the Constitution's Framers would find the Senate a comfortably familiar creation, adhering very much to its original design, if-by virtue of its transformation into a popularly elected body—not quite its original composition.

## Appendix A

### Snapshot of the Legislative Efficacy Database:

#### Bills

Senate Bill Number	Date Introduced	Sponsor	Co-Sponsor	Co-Sponsor	Co-Sponsor	Co-Sponsor	Co-Sponsor	To Committee	From Committee	Passed on Floor	Majority Floor Monitor	Minority Floor Manager	House Action	Enacted	Other Notes
1	12/8/2006	Marin	Kyl	Dole	Hagel	Enslin	Alstad	Banking							
2	12/8/2006	Strom						Finance							
3	1/24/2005	Gregg	Frist	Seaton	DeWine	McConnell		Finance							
4	7/27/2005	Frist	McConnell	Gregg	Enslin	Murkowski	DeWine	Finance							
5	1/25/2005	Onizuka	Hatch	Casper	Frist	Chaffee	Judiciary		2/3/2005	Roll Call - 2/10/05	Specter	Leahy	Passed	PL 109-2 2/16/05	
6	1/24/2005	Santorum	Frist	Hutchinson	McConnell	Hatch		Finance							
7	1/24/2005	Kyl	Frist	DeWine	McConnell			Finance							
8	1/24/2005	Ensign	Hagel	Brownback	Santorum	Kyl	Frist	Judiciary							
9	1/24/2005	McConnell						Finance							
10	6/8/2005	Domenici						Energy	6/9/2005						Related bill HR 6 became PL 109-58
11	1/24/2005	Leahy	Reid	Mikulski	Stabenow	Inouye	Dorgan	Finance							
12	1/25/2005	Biden	Reid	Bingaman	Mikulski	Durbin	Stabenow	Foreign Relations							
13	1/24/2005	Alaska	Reid	Stabenow	Inouye	Dorgan	Leahy	Finance							
14	1/24/2005	Stabenow	Reid	Kennedy	Inouye	Mikulski	Finance								
15	1/24/2005	Bingaman	Reid	Kennedy	Cordina	Durbin	Reid	Finance							
16	1/24/2005	Kennedy	Reid	Stabenow	Cordina	Schumer	Mikulski	Finance							
17	1/24/2005	Dodd	Mikulski	Stabenow	Rockefeller	Schumer		Rules							
18	1/24/2005	Deaton	Reid	Stabenow	Felishat	Kennedy	Cornie	Finance							
19	1/24/2005	Toland	Reid	Fenigold	Mikulski	Stabenow	Inouye	Budget							
20	1/24/2005	Reid	Murray	Schumer	Cornie	Leahy	Clinton	HELP							
21	1/23/2005	Collins	Casper	Voinovich	Felishat	Alaska	Leahy	Homeland Sec	9/24/2005						
22	9/30/06	Ensign	Frist	Gregg	McConnell	Hatch	Santorum	Rule 14		Closure not invoked - 5/6/08					
23	9/30/06	Santorum	Gregg	Frist	McConnell	Ensign	Hatch	Budget		Closure not invoked - 5/6/08					
24	1/24/2005	Hutchinson						Finance							
25	1/24/2005	Chambliss						Finance							
26	1/24/2005	Strom	Collins					EPW							
27	1/24/2005	Hutchinson	Frist	Canwell	Ensign	Alexander	Cornyn	Finance							
28	1/24/2005	Collins						Homeland Sec							
29	1/23/2006	Felishat	Leahy					Judiciary							
30	1/23/2006	Speaker						Judiciary							
31	1/24/2005	Barabara	Cordina	Clinin	Alaska	Bingaman	Schumer	Banking							
32	1/24/2005	Dayton	Reid	Dorgan	Leahy	Mikulski	Cornie	Armed Services							
33	1/24/2005	Canwell	Bingaman	Fenigold	Murray	Fenigold		Energy							
34	1/24/2005	Leahy						Commerce							
35	1/24/2005	Canwell						Finance							
36	1/24/2005	Inouye						Armed Services							
37	1/24/2005	Felishat	Hutchinson					Homeland Sec	9/25/2005	UC - 9/27/05			Passed	PL 109-100 11/1/05	Referred to House subcommittee
38	1/24/2005	Murray						Finance							
39	1/23/2005	Stevens	Inouye	Strom	Dodd	Boxer	Barabara	Commerce	4/13/2005	UC - 7/1/05					
40	1/24/2005	Univ. of Oklahoma	Strom	Strom	Dodd	Boxer	Barabara	Commerce	4/13/2005	UC - 7/1/05					
41	1/24/2005	Nelson (NE)	Domenici	Craig	Leahy	Boxer	Barabara	Environment							
42	1/24/2005	Nelson (NE)	Domenici	Craig	Leahy	Boxer	Barabara	Environment							
43	1/24/2005	Hagel	Coleman	Kennedy	Dawkins	Obama	Leahy	Armed Services							
44	1/24/2005	Hagel	Dawkins	Clinin	Kennedy	Leahy	Salazar	Armed Services							
45	1/24/2005	Hatch	Leahy	Biden				HELP	2/1/2005	UC - 7/1/05					PL 109-56 - 8/2/05 Also UC in Judiciary
46	1/24/2005	Leahy	Lugar					Finance							
47	1/24/2005	Bingaman	Domenici					Energy	2/23/2005	UC - 7/26/05					
48	1/24/2005	Leahy	Cornie					Energy	3/17/2005						
49	1/24/2005	Strom	Murkowski					Finance							
50	1/24/2005	Inouye	Strom	Canwell	Burns	Leahy	Strom	Commerce	4/18/2005	UC - 7/1/05					(HR 1674) PL 109-424 - 12/20/05

#### Resolutions

Resolution Number	Date	Sponsor	Sponsor 1	Sponsor 2	Sponsor 3	Sponsor 4	Sponsor 5	Subject	Outcome
S. Con. Res. 99	6/12/2006	Strom	Biden	Boxer	Canwell	Collins	Dayton	policy of US at meeting of international whaling commission	Failed
S. Res. 197	7/13/2005	Domenici	Crisp					Commemorative	Failed
S. Res. 198	7/13/2005	Mikulski						Commemorative	Passed - 7/27/2005
S. Res. 199	7/13/2005	Frist						Administrative	Passed - 7/19/2005
S. Res. 1	1/14/2005	Frist	Reid					Informing President that quorum is assembled	Passed - 1/4/05
S. Res. 10	1/23/2005	Nelson (NE)	Fenigold	Hagel	Inouye	Kennedy		honoring Johnny Carson	Passed - 1/25/05
S. Res. 100	4/6/2005	Dorgan	Dodd					Disapproving of Bipartisan Trade Promotion Authority Act of 2002	Failed
S. Res. 101	4/6/2005	Santorum	Specter					30th Anniversary of BSA polo vaccine	Passed - 4/6/2005
S. Res. 102	4/11/2005	Leahy						Virginia Union University Platform Basketball	Passed - 4/11/2005
S. Res. 103	4/11/2005	Hutchinson	Cornyn					Baylor University Basketball	Passed - 4/11/2005
S. Res. 104	4/12/2005	Felishat	Hagel					People-to-People Engagement in World Affairs	Passed - 7/27/2005
S. Res. 105	4/12/2005	Murkowski	Alaska					National Youth Service Day	Passed - 4/12/2005
S. Res. 106	4/13/2005	Salazar	Altard					Univ. of Denver hockey team	Passed - 4/13/2005
S. Res. 107	4/14/2005	Cordina	Durbin	Leahy	Stevens	Voinovich	Stevens	Honoring Annika M. Wagner	Passed - 4/28/2005
S. Res. 108	4/14/2005	Alaska	Voinovich	Collins	Leahy	Levin		Sense of Senate - Public Service Recognition Week	Passed - 4/28/2005
S. Res. 109	4/14/2005	Inhofe	Coburn					Univ. of Oklahoma gymnastics	Passed - 4/14/2005
S. Res. 11	1/25/2005	Kyl	Brownback	Chambliss	Lot	Santorum		honoring Reverend Lloyd Ogilvie	Passed - 1/25/05
S. Res. 110	4/14/2005	Inhofe	Coburn					Oklahoma State wrestling	Passed - 4/14/2005
S. Res. 111	4/15/2005	Lugar						Democratic Reform in Kyrgyz Republic	Passed - 4/15/2005
S. Res. 112	4/15/2005	Dodd	Alexander	Bayh	Bingaman	Canwell	Coleman	National Shaken Baby Syndrome Awareness Week	Failed
S. Res. 113	4/19/2005	Dole	Burr					International Home Furnishings Market in NC	Failed
S. Res. 114	4/20/2005	Crisp						100th Anniversary of American Thoracic Society	Failed
S. Res. 115	4/20/2005	Salazar	Murray	Coleman	Wyden	Dole	Durbin	National Cystic Fibrosis Awareness Month	Passed - 5/9/2005
S. Res. 116	4/20/2005	Dole	Burr	Coleman	Wyden	Dole	Durbin	Honoring Frederick C. Iversen	Failed
S. Res. 117	4/20/2005	Felishat	Santorum					National Hepatitis B Awareness Week	Passed - 4/29/2005
S. Res. 118	4/21/2005	Jeffords	Leahy					Vermont Dairy Festival	Passed - 4/17/2005
S. Res. 119	4/25/2005	Salazar	Leahy					National Kindergarten Recognition day	Passed - 4/25/2005
S. Res. 12	1/25/2005	Felishat	Boxer					commanding football team	Passed - 1/25/05
S. Res. 120	4/25/2005	Strom	Kerry	Talent	Vitter	Cornyn	Coleman	Small Business Administration's National Small Business Week	Passed - 4/25/2005
S. Res. 121	4/25/2005	Strom	Leahy					National Better Hearing and Speech Month	Passed - 4/25/2005
S. Res. 122	4/25/2005	Lugar	Leahy					Honoring Kazakhstan for reducing WMD	Passed - 5/25/2005
S. Res. 123	4/26/2005	Hatch	Cornyn	Grassley	Hutchinson	Martinez	Murkowski	Dia de los Ninos	Failed
S. Res. 124	4/26/2005	Hatch	Felishat	Stabenow	Mikulski			Awareness of autism spectrum disorders	Failed
S. Res. 125	4/26/2005	Coleman	Dayton					Univ. of Minnesota ice hockey	Passed - 4/26/2005
S. Res. 126	4/27/2005	Durbin	Inouye	Stevens				Honoring Fred T. Korematsu	Passed - 4/27/2005
S. Res. 127	4/28/2005	Leahy	Leahy	Frist	Strom	Alexander		Charlottesville National Asphal Pavement Association	Passed - 4/28/2005
S. Res. 128	4/28/2005	Hatch	Cornyn	Grassley	Hutchinson	Martinez	Murkowski	Dia de los Ninos	Passed - 4/28/2005
S. Res. 129	4/28/2005	Allen						Virginia Retail Merchants Association	Passed - 4/29/2005
S. Res. 130	4/28/2005	Domenici						authorizing expenditures by Committee	Failed
S. Res. 131	4/28/2005	Durbin	Leahy	Obama	Kennedy			North American Occupational Safety and Health Week	Passed - 4/29/2005
S. Res. 132	4/28/2005	Specter	Leahy	Kyl	Biden	DeWine	Kohl	Honoring law enforcement officers who lost their lives	Passed - 4/29/2005
S. Res. 133	4/28/2005	Vitter	Cornyn	Cornyn	DeWine			prayer at school board meetings	Failed
S. Res. 134	5/8/2005	Canwell	Collins	Alaska	Baucus	Warner	Durbin	13th Annual National Association of Letter Carriers Food Drive	Passed - 5/10/2005
S. Res. 135	5/9/2005	Smith	Biden					Sense of Senate - Srebrenica massacre	Passed - 5/10/2005
S. Res. 136	5/9/2005	Inhofe	Bond	Baucus	Jeffords			50th Anniversary National Asphalt Pavement Association	Passed - 5/10/2005
S. Res. 137	5/12/2005	Biden	Seaton					National Drug Court Month	Passed - 5/12/2005
S. Res. 138	5/12/2005	Cornie	Leahy	Bingaman	Dodd	Fenigold	Inouye	National Child Care Worker's Day	Passed - 5/12/2005
S. Res. 139	5/12/2005	Cornie	Burns	Inhofe	Dorgan	Crisp	Salazar	National Day of the American Cowboy	Passed - 5/12/2005
S. Res. 140	5/12/2005	Reid	Frist	McCain				Withdrawal of Russian troops	Passed - 5/12/2005
S. Res. 141	5/12/2005	Chambliss						authorizing expenditures by Committee	Failed
S. Res. 142	5/12/2005	Martinez	Nelson (FL)	Cornie	Lugar	Fenigold	Inhofe	month of the Assembly to Promote the Civil Society in Cuba	Passed - 5/17/2005

**Appendix B**

109<sup>th</sup> Congress—Bills Sponsored, Bills enacted, Enactment rate—All Senators

Senator	Sponsored	Enacted	Success Rate
Akaka [HI]	65	3	4.6%
Alexander [TN]	20	1	5.0%
Allard [CO]	42	7	16.7%
Allen [VA]	53	3	5.7%
Baucus [MT]	44		0.0%
Bayh [IN]	18		0.0%
Bennett [UT]	15	1	6.7%
Biden [DE]	20	1	5.0%
Bingaman [NM]	53	5	9.4%
Bond [MO]	27	3	11.1%
Boxer [CA]	44	2	4.5%
Brownback [KS]	78	4	5.1%
Bunning [KY]	27		0.0%
Burns [MT]	37	4	10.8%
Burr [NC]	74	2	2.7%
Byrd [WV]	9		0.0%
Cantwell [WA]	42	2	4.8%
Carper [DE]	70	1	1.4%
Chafee [RI]	6		0.0%
Chambliss [GA]	61	3	4.9%
Clinton [NY]	82	7	8.5%
Coburn [OK]	11	3	27.3%
Cochran [MS]	6		0.0%
Coleman [MN]	44	2	4.5%
Collins [ME]	45	6	13.3%
Conrad [ND]	23	2	8.7%
Cornyn [TX]	39	1	2.6%
Corzine [NJ]	32	2	6.3%
Craig [ID]	40	8	20.0%
Crapo [ID]	24	4	16.7%
Dayton [MN]	16		0.0%
DeMint [SC]	73	1	1.4%
DeWine [OH]	78	6	7.7%
Dodd [CT]	52	2	3.8%
Dole [NC]	29		0.0%

Domenici [NM]	48	7	14.6%
Dorgan [ND]	30		0.0%
Durbin [IL]	68	4	5.9%
Ensign [NV]	38	2	5.3%
Enzi [WY]	39	10	25.6%
Feingold [WI]	50		0.0%
Feinstein [CA]	119	12	10.1%
Frist [TN]	43	5	11.6%
Graham [SC]	21	1	4.8%
Grassley [IA]	57	10	17.5%
Gregg [NH]	16	2	12.5%
Hagel [NE]	30		0.0%
Harkin [IA]	43	1	2.3%
Hatch [UT]	56	7	12.5%
Hutchison [TX]	33	3	9.1%
Inhofe [OK]	56	11	19.6%
Inouye [HI]	44	4	9.1%
Isakson [GA]	29	2	6.9%
Jeffords [VT]	22	3	13.6%
Johnson [SD]	24	3	12.5%
Kennedy [MA]	57	2	3.5%
Kerry [MA]	62	2	3.2%
Kohl [WI]	20		0.0%
Kyl [AZ]	28	3	10.7%
Landrieu [LA]	46	4	8.7%
Lautenberg [NJ]	66	2	3.0%
Leahy [VT]	28		0.0%
Levin [MI]	34	3	8.8%
Lieberman [CT]	37	3	8.1%
Lincoln [AR]	41	1	2.4%
Lott [MS]	22	2	9.1%
Lugar [IN]	51	11	21.6%
Martinez [FL]	24	3	12.5%
McCain [AZ]	61	7	11.5%
McConnell [KY]	7	2	28.6%
Menendez [NJ]	47		0.0%
Mikulski [MD]	16		0.0%
Murkowski [AK]	32	2	6.3%
Murray [WA]	26	1	3.8%
Nelson [FL]	33	3	9.1%



Nelson [NE]	29	1	3.4%
Obama [IL]	61	2	3.3%
Pryor [AR]	12	1	8.3%
Reed [RI]	34	2	5.9%
Reid [NV]	49	3	6.1%
Roberts [KS]	13	3	23.1%
Rockefeller [WV]	50		0.0%
Salazar [CO]	32	2	6.3%
Santorum [PA]	134	7	5.2%
Sarbanes [MD]	19	1	5.3%
Schumer [NY]	85	4	4.7%
Sessions [AL]	22	2	9.1%
Shelby [AL]	10	2	20.0%
Smith [OR]	79	3	3.8%
Snowe [ME]	80	2	2.5%
Specter [PA]	74	8	10.8%
Stabenow [MI]	35	2	5.7%
Stevens [AK]	32	5	15.6%
Sununu [NH]	14	5	35.7%
Talent [MO]	71	3	4.2%
Thomas [WY]	26	3	11.5%
Thune [SD]	20	1	5.0%
Vitter [LA]	63	3	4.8%
Voinovich [OH]	32	1	3.1%
Warner [VA]	19	6	31.6%
Wyden [OR]	24	1	4.2%
<b>Grand Total</b>	<b>4122</b>	<b>297</b>	<b>7.2%</b>

**Appendix C**

109<sup>th</sup> Congress – Resolutions sponsored, Resolution enacted, Enactment rate – All Senators

Senator	Sponsored	Enacted	Success Rate
Akaka [HI]	10	8	80.0%
Alexander [TN]	6	4	66.7%
Allard [CO]	5	1	20.0%
Allen [VA]	12	9	75.0%
Baucus [MT]	2	1	50.0%
Bayh [IN]	4		0.0%
Bennett [UT]	2	2	100.0%
Biden [DE]	21	16	76.2%
Bingaman [NM]	3		0.0%
Bond [MO]	2	1	50.0%
Boxer [CA]	3	1	33.3%
Brownback [KS]	19	5	26.3%
Bunning [KY]	2	1	50.0%
Burns [MT]	7	3	42.9%
Burr [NC]	7	5	71.4%
Byrd [WV]	4	3	75.0%
Cantwell [WA]	8	7	87.5%
Chafee [RI]	2	2	100.0%
Chambliss [GA]	13	7	53.8%
Clinton [NY]	8	2	25.0%
Coburn [OK]	5	2	40.0%
Cochran [MS]	9	6	66.7%
Coleman [MN]	21	10	47.6%
Collins [ME]	9	4	44.4%
Conrad [ND]	4	2	50.0%
Cornyn [TX]	5	1	20.0%
Corzine [NJ]	2	2	100.0%
Craig [ID]	9	4	44.4%
Crapo [ID]	6	3	50.0%
DeMint [SC]	4	2	50.0%
DeWine [OH]	14	4	28.6%
Dodd [CT]	8	5	62.5%
Dole [NC]	5	1	20.0%
Domenici [NM]	8	5	62.5%
Dorgan [ND]	2		0.0%

Durbin [IL]	17	11	64.7%
Ensign [NV]	6	4	66.7%
Enzi [WY]	4	2	50.0%
Feingold [WI]	25	13	52.0%
Feinstein [CA]	10	5	50.0%
Frist [TN]	82	78	95.1%
Graham [SC]	9	5	55.6%
Grassley [IA]	5	2	40.0%
Gregg [NH]	8	4	50.0%
Hagel [NE]	8	5	62.5%
Harkin [IA]	4	2	50.0%
Hatch [UT]	10	4	40.0%
Hutchison [TX]	7	7	100.0%
Inhofe [OK]	14	13	92.9%
Inouye [HI]	4	3	75.0%
Isakson [GA]	4	2	50.0%
Jeffords [VT]	3	2	66.7%
Johnson [SD]	3		0.0%
Kennedy [MA]	12	4	33.3%
Kerry [MA]	7		0.0%
Kyl [AZ]	2	1	50.0%
Landrieu [LA]	15	9	60.0%
Lautenberg [NJ]	13	9	69.2%
Leahy [VT]	4	1	25.0%
Levin [MI]	4	2	50.0%
Lieberman [CT]	5	2	40.0%
Lincoln [AR]	2	1	50.0%
Lott [MS]	15	13	86.7%
Lugar [IN]	22	10	45.5%
Martinez [FL]	6	5	83.3%
McCain [AZ]	14	6	42.9%
McConnell [KY]	7	6	85.7%
Menendez [NJ]	3	1	33.3%
Mikulski [MD]	5	4	80.0%
Murkowski [AK]	9	9	100.0%
Murray [WA]	6	4	66.7%
Nelson [FL]	8	5	62.5%
Nelson [NE]	3	3	100.0%
Obama [IL]	5	3	60.0%
Reed [RI]	2	2	100.0%

Reid [NV]	12	9	75.0%
Roberts [KS]	2		0.0%
Salazar [CO]	11	10	90.9%
Santorum [PA]	22	10	45.5%
Sarbanes [MD]	1		0.0%
Schumer [NY]	13	6	46.2%
Sessions [AL]	6	3	50.0%
Shelby [AL]	2		0.0%
Smith [OR]	15	9	60.0%
Snowe [ME]	9	5	55.6%
Specter [PA]	11	8	72.7%
Stabenow [MI]	8	5	62.5%
Stevens [AK]	12	10	83.3%
Sununu [NH]	2	1	50.0%
Talent [MO]	5	4	80.0%
Thomas [WY]	3	2	66.7%
Thune [SD]	3	1	33.3%
Vitter [LA]	11	4	36.4%
Voinovich [OH]	3	3	100.0%
Warner [VA]	2		0.0%
Wyden [OR]	2	1	50.0%
<b>Grand Total</b>	<b>798</b>	<b>482</b>	<b>60.4%</b>

**Appendix D**

109<sup>th</sup> Congress – Combined Bill-Resolution enactment rate (weighted 75/25) – All Senators

Senator	Success Rate Bills	Success Rate Resolutions	Overall Success Rate
Akaka [HI]	4.6%	80.0%	23.5%
Alexander [TN]	5.0%	66.7%	20.4%
Allard [CO]	16.7%	20.0%	17.5%
Allen [VA]	5.7%	75.0%	23.0%
Baucus [MT]	0.0%	50.0%	12.5%
Bayh [IN]	0.0%	0.0%	0.0%
Bennett [UT]	6.7%	100.0%	30.0%
Biden [DE]	5.0%	76.2%	22.8%
Bingaman [NM]	9.4%	0.0%	7.1%
Bond [MO]	11.1%	50.0%	20.8%
Boxer [CA]	4.5%	33.3%	11.7%
Brownback [KS]	5.1%	26.3%	10.4%
Bunning [KY]	0.0%	50.0%	12.5%
Burns [MT]	10.8%	42.9%	18.8%
Burr [NC]	2.7%	71.4%	19.9%
Byrd [WV]	0.0%	75.0%	18.8%
Cantwell [WA]	4.8%	87.5%	25.4%
Carper [DE]	1.4%	#N/A	#N/A
Chafee [RI]	0.0%	100.0%	25.0%
Chambliss [GA]	4.9%	53.8%	17.2%
Clinton [NY]	8.5%	25.0%	12.7%
Coburn [OK]	27.3%	40.0%	30.5%
Cochran [MS]	0.0%	66.7%	16.7%
Coleman [MN]	4.5%	47.6%	15.3%
Collins [ME]	13.3%	44.4%	21.1%
Conrad [ND]	8.7%	50.0%	19.0%
Cornyn [TX]	2.6%	20.0%	6.9%
Corzine [NJ]	6.3%	100.0%	29.7%
Craig [ID]	20.0%	44.4%	26.1%
Crapo [ID]	16.7%	50.0%	25.0%
Dayton [MN]	0.0%	#N/A	#N/A
DeMint [SC]	1.4%	50.0%	13.5%
DeWine [OH]	7.7%	28.6%	12.9%
Dodd [CT]	3.8%	62.5%	18.5%
Dole [NC]	0.0%	20.0%	5.0%

Domenici [NM]	14.6%	62.5%	26.6%
Dorgan [ND]	0.0%	0.0%	0.0%
Durbin [IL]	5.9%	64.7%	20.6%
Ensign [NV]	5.3%	66.7%	20.6%
Enzi [WY]	25.6%	50.0%	31.7%
Feingold [WI]	0.0%	52.0%	13.0%
Feinstein [CA]	10.1%	50.0%	20.1%
Frist [TN]	11.6%	95.1%	32.5%
Graham [SC]	4.8%	55.6%	17.5%
Grassley [IA]	17.5%	40.0%	23.2%
Gregg [NH]	12.5%	50.0%	21.9%
Hagel [NE]	0.0%	62.5%	15.6%
Harkin [IA]	2.3%	50.0%	14.2%
Hatch [UT]	12.5%	40.0%	19.4%
Hutchison [TX]	9.1%	100.0%	31.8%
Inhofe [OK]	19.6%	92.9%	37.9%
Inouye [HI]	9.1%	75.0%	25.6%
Isakson [GA]	6.9%	50.0%	17.7%
Jeffords [VT]	13.6%	66.7%	26.9%
Johnson [SD]	12.5%	0.0%	9.4%
Kennedy [MA]	3.5%	33.3%	11.0%
Kerry [MA]	3.2%	0.0%	2.4%
Kohl [WI]	0.0%	#N/A	#N/A
Kyl [AZ]	10.7%	50.0%	20.5%
Landrieu [LA]	8.7%	60.0%	21.5%
Lautenberg [NJ]	3.0%	69.2%	19.6%
Leahy [VT]	0.0%	25.0%	6.3%
Levin [MI]	8.8%	50.0%	19.1%
Lieberman [CT]	8.1%	40.0%	16.1%
Lincoln [AR]	2.4%	50.0%	14.3%
Lott [MS]	9.1%	86.7%	28.5%
Lugar [IN]	21.6%	45.5%	27.5%
Martinez [FL]	12.5%	83.3%	30.2%
McCain [AZ]	11.5%	42.9%	19.3%
McConnell [KY]	28.6%	85.7%	42.9%
Menendez [NJ]	0.0%	33.3%	8.3%
Mikulski [MD]	0.0%	80.0%	20.0%
Murkowski [AK]	6.3%	100.0%	29.7%
Murray [WA]	3.8%	66.7%	19.6%
Nelson [FL]	9.1%	62.5%	22.4%

Nelson [NE]	3.4%	100.0%	27.6%
Obama [IL]	3.3%	60.0%	17.5%
Pryor [AR]	8.3%	#N/A	#N/A
Reed [RI]	5.9%	100.0%	29.4%
Reid [NV]	6.1%	75.0%	23.3%
Roberts [KS]	23.1%	0.0%	17.3%
Rockefeller [WV]	0.0%	#N/A	#N/A
Salazar [CO]	6.3%	90.9%	27.4%
Santorum [PA]	5.2%	45.5%	15.3%
Sarbanes [MD]	5.3%	0.0%	3.9%
Schumer [NY]	4.7%	46.2%	15.1%
Sessions [AL]	9.1%	50.0%	19.3%
Shelby [AL]	20.0%	0.0%	15.0%
Smith [OR]	3.8%	60.0%	17.8%
Snowe [ME]	2.5%	55.6%	15.8%
Specter [PA]	10.8%	72.7%	26.3%
Stabenow [MI]	5.7%	62.5%	19.9%
Stevens [AK]	15.6%	83.3%	32.6%
Sununu [NH]	35.7%	50.0%	39.3%
Talent [MO]	4.2%	80.0%	23.2%
Thomas [WY]	11.5%	66.7%	25.3%
Thune [SD]	5.0%	33.3%	12.1%
Vitter [LA]	4.8%	36.4%	12.7%
Voinovich [OH]	3.1%	100.0%	27.3%
Warner [VA]	31.6%	0.0%	23.7%
Wyden [OR]	4.2%	50.0%	15.6%
<b>Grand Total</b>	<b>7.2%</b>	<b>60.4%</b>	<b>20.5%</b>

### **Appendix E**

109<sup>th</sup> Congress Cosponsors, # co-sponsored, enactment rate – all Senators –  
Resolutions only

Co-sponsor	Passed	Failed	Success Rate
Akaka [HI]	35	3	8%
Alexander [TN]	31	2	6%
Allard [CO]	17	2	11%
Allen [VA]	46	5	10%
Baucus [MT]	22	4	15%
Bayh [IN]	21	3	13%
Bennett [UT]	6	3	33%

Biden [DE]	53	12	18%
Bingaman [NM]	25	4	14%
Bond [MO]	9	3	25%
Boxer [CA]	25	10	29%
Brownback [KS]	35	5	13%
Bunning [KY]	9	3	25%
Burns [MT]	16	3	16%
Burr [NC]	11	5	31%
Byrd [WV]	8	1	11%
Cantwell [WA]	21	7	25%
Carper [DE]	6	0	0%
Chafee [RI]	14	3	18%
Chambliss [GA]	18	0	0%
Clinton [NY]	27	10	27%
Coburn [OK]	10	1	9%
Cochran [MS]	21	3	13%
Coleman [MN]	29	10	26%
Collins [ME]	8	9	53%
Conrad [ND]	5	1	17%
Cornyn [TX]	12	4	25%
Corzine [NJ]	11	8	42%
Craig [ID]	10	1	9%
Crapo [ID]	10	4	29%
Dayton [MN]	7	6	46%
DeMint [SC]	10	5	33%
DeWine [OH]	17	7	29%
Dodd [CT]	28	14	33%
Dole [NC]	20	5	20%
Domenici [NM]	6	2	25%
Dorgan [ND]	8	4	33%
Durbin [IL]	32	8	20%
Ensign [NV]	5	3	38%
Enzi [WY]	3	1	25%
Feingold [WI]	19	13	41%
Feinstein [CA]	15	6	29%
Frist [TN]	25	4	14%
Graham [SC]	3	3	50%
Grassley [IA]	4	2	33%
Gregg [NH]	1	0	0%
Hagel [NE]	9	0	0%
Harkin [IA]	5	4	44%
Hatch [UT]	5	3	38%
Hutchison [TX]	4	5	56%
Inhofe [OK]	7	8	53%
Inouye [HI]	15	0	0%
Isakson [GA]	14	4	22%
Jeffords [VT]	5	0	0%



Johnson [SD]	7	3	30%
Kennedy [MA]	15	8	35%
Kerry [MA]	9	4	31%
Kohl [WI]	16	3	16%
Kyl [AZ]	4	4	50%
Landrieu [LA]	18	6	25%
Lautenberg [NJ]	18	3	14%
Leahy [VT]	16	9	36%
Levin [MI]	12	4	25%
Lieberman [CT]	16	10	38%
Lincoln [AR]	5	1	17%
Lott [MS]	3	3	50%
Lugar [IN]	27	3	10%
Martinez [FL]	14	4	22%
McCain [AZ]	13	4	24%
McConnell [KY]	7	2	22%
Menendez [NJ]	7	1	13%
Mikulski [MD]	10	4	29%
Murkowski [AK]	10	2	17%
Murray [WA]	9	5	36%
Nelson [FL]	9	2	18%
Nelson [NE]	3	0	0%
Obama [IL]	8	4	33%
Pryor [AR]	7	1	13%
Reed [RI]	5	0	0%
Reid [NV]	61	6	9%
Roberts [KS]	4	0	0%
Rockefeller [WV]	4	0	0%
Salazar [CO]	8	3	27%
Santorum [PA]	10	3	23%
Sarbanes [MD]	11	2	15%
Schumer [NY]	2	2	50%
Sessions [AL]	2	0	0%
Shelby [AL]	3	2	40%
Smith [OR]	8	5	38%
Snowe [ME]	6	6	50%
Specter [PA]	8	0	0%
Stabenow [MI]	1	0	0%
Stevens [AK]	13	2	13%
Sununu [NH]	4	0	0%
Talent [MO]	3	3	50%
Thomas [WY]	1	1	50%
Thune [SD]	1	0	0%
Vitter [LA]	6	1	14%
Voinovich [OH]	7	3	30%
Warner [VA]	9	0	0%
Wyden [OR]	2	3	60%

**Appendix F**

109<sup>th</sup> Congress—Cosponsors, # co-sponsored, enactment rate – all Senators  
– Bills only

Co-sponsor	Passed	Failed	Success Rate
Akaka [HI]	6	54	10.00%
Alexander [TN]	5	54	8.47%
Allard [CO]	1	27	3.57%
Allen [VA]	3	48	5.88%
Baucus [MT]	6	80	6.98%
Bayh [IN]	2	33	5.71%
Bennett [UT]	3	18	14.29%
Biden [DE]	11	34	24.44%
Bingaman [NM]	8	118	6.35%
Bond [MO]	1	24	4.00%
Boxer [CA]	4	68	5.56%
Brownback [KS]	5	39	11.36%
Bunning [KY]	4	25	13.79%
Burns [MT]	5	42	10.64%
Burr [NC]	3	21	12.50%
Byrd [WV]	1	13	7.14%
Cantwell [WA]	3	69	4.17%
Carper [DE]	6	22	21.43%
Chafee [RI]	6	51	10.53%
Chambliss [GA]	6	20	23.08%
Clinton [NY]	3	135	2.17%
Coburn [OK]	3	27	10.00%
Cochran [MS]	3	32	8.57%
Coleman [MN]	2	41	4.65%
Collins [ME]	3	74	3.90%
Conrad [ND]	1	31	3.13%
Cornyn [TX]	8	50	13.79%
Corzine [NJ]	3	66	4.35%
Craig [ID]	3	40	6.98%
Crapo [ID]	2	24	7.69%
Dayton [MN]	1	43	2.27%
DeMint [SC]	2	26	7.14%
DeWine [OH]	8	89	8.25%
Dodd [CT]	4	73	5.19%
Dole [NC]	2	25	7.41%
Domenici [NM]	6	22	21.43%
Dorgan [ND]	5	69	6.76%
Durbin [IL]	7	127	5.22%
Ensign [NV]	2	38	5.00%

Enzi [WY]	4	43	8.51%
Feingold [WI]	1	50	1.96%
Feinstein [CA]	7	63	10.00%
Frist [TN]	11	37	22.92%
Graham [SC]	4	35	10.26%
Grassley [IA]	5	37	11.90%
Gregg [NH]	3	25	10.71%
Hagel [NE]	5	44	10.20%
Harkin [IA]	10	62	13.89%
Hatch [UT]	7	31	18.42%
Hutchison [TX]	1	32	3.03%
Inhofe [OK]	2	36	5.26%
Inouye [HI]	9	55	14.06%
Isakson [GA]	3	28	9.68%
Jeffords [VT]	5	65	7.14%
Johnson [SD]	2	64	3.03%
Kennedy [MA]	12	164	6.82%
Kerry [MA]	3	95	3.06%
Kohl [WI]	1	30	3.23%
Kyl [AZ]	5	40	11.11%
Landrieu [LA]	5	64	7.25%
Lautenberg [NJ]	4	109	3.54%
Leahy [VT]	11	85	11.46%
Levin [MI]	6	50	10.71%
Lieberman [CT]	6	78	7.14%
Lincoln [AR]	2	68	2.86%
Lott [MS]	4	35	10.26%
Lugar [IN]	2	49	3.92%
Martinez [FL]	2	28	6.67%
McCain [AZ]	5	41	10.87%
McConnell [KY]	0	14	0.00%
Menendez [NJ]	0	25	0.00%
Mikulski [MD]	6	84	6.67%
Murkowski [AK]	4	36	10.00%
Murray [WA]	3	81	3.57%
Nelson [FL]	0	29	0.00%
Nelson [NE]	5	38	11.63%
Obama [IL]	3	56	5.08%
Pryor [AR]	1	42	2.33%
Reed [RI]	1	38	2.56%
Reid [NV]	5	50	9.09%
Roberts [KS]	1	30	3.23%
Rockefeller [WV]	3	55	5.17%
Salazar [CO]	6	44	12.00%
Santorum [PA]	3	42	6.67%
Sarbanes [MD]	0	30	0.00%
Schumer [NY]	7	81	7.95%

Sessions [AL]	1	23	4.17%
Shelby [AL]	0	7	0.00%
Smith [OR]	2	63	3.08%
Snowe [ME]	2	76	2.56%
Specter [PA]	4	41	8.89%
Stabenow [MI]	3	60	4.76%
Stevens [AK]	2	44	4.35%
Sununu [NH]	1	21	4.55%
Talent [MO]	0	47	0.00%
Thomas [WY]	1	24	4.00%
Thompson [TN]	0	1	0.00%
Thune [SD]	3	25	10.71%
Vitter [LA]	7	31	18.42%
Voinovich [OH]	2	33	5.71%
Warner [VA]	3	37	7.50%
Wyden [OR]	2	49	3.92%

**Appendix G**

110<sup>th</sup> Congress—Bills Sponsored, Bills enacted, Enactment rate—All Senators

Senator	Sponsored	Enacted	Success Rate
Akaka [HI]	73	7	9.6%
Alexander [TN]	15	1	6.7%
Allard [CO]	32	3	9.4%
Barrasso [WY]	15	1	6.7%
Baucus [MT]	64	8	12.5%
Bayh [IN]	23	2	8.7%
Bennett [UT]	3		0.0%
Biden [DE]	51	12	23.5%
Bingaman [NM]	78	4	5.1%
Bond [MO]	18	2	11.1%
Boxer [CA]	72	6	8.3%
Brown [OH]	58	3	5.2%
Brownback [KS]	20	2	10.0%
Bunning [KY]	16	1	6.3%
Burr [NC]	22	1	4.5%
Byrd [WV]	7	1	14.3%
Cantwell [WA]	41	3	7.3%
Cardin [MD]	26	5	19.2%
Carper [DE]	21	3	14.3%
Casey [PA]	28		0.0%
Chambliss [GA]	16	2	12.5%
Clinton [NY]	140	5	3.6%
Coburn [OK]	15		0.0%
Cochran [MS]	10	1	10.0%
Coleman [MN]	54		0.0%
Collins [ME]	41	2	4.9%
Conrad [ND]	22		0.0%
Corker [TN]	2		0.0%
Cornyn [TX]	26		0.0%
Craig [ID]	22	2	9.1%
Crapo [ID]	20	1	5.0%
DeMint [SC]	21		0.0%
Dodd [CT]	83	9	10.8%
Dole [NC]	19	1	5.3%
Domenici [NM]	39	5	12.8%

Dorgan [ND]	52	5	9.6%
Durbin [IL]	87	8	9.2%
Ensign [NV]	26	1	3.8%
Enzi [WY]	21	3	14.3%
Feingold [WI]	72		0.0%
Feinstein [CA]	109	14	12.8%
Graham [SC]	11	1	9.1%
Grassley [IA]	43	2	4.7%
Gregg [NH]	19		0.0%
Hagel [NE]	22	1	4.5%
Harkin [IA]	63	12	19.0%
Hatch [UT]	31	5	16.1%
Hutchison [TX]	29	4	13.8%
Inhofe [OK]	51	4	7.8%
Inouye [HI]	54	7	13.0%
Isakson [GA]	17	1	5.9%
Johnson [SD]	21	1	4.8%
Kennedy [MA]	83	20	24.1%
Kerry [MA]	95	3	3.2%
Klobuchar [MN]	27	3	11.1%
Kohl [WI]	38	2	5.3%
Kyl [AZ]	24	2	8.3%
Landrieu [LA]	65	3	4.6%
Lautenberg [NJ]	55	2	3.6%
Leahy [VT]	47	12	25.5%
Levin [MI]	51	4	7.8%
Lieberman [CT]	35	3	8.6%
Lincoln [AR]	30	1	3.3%
Lott [MS]	8		0.0%
Lugar [IN]	27	3	11.1%
Martinez [FL]	25	1	4.0%
McCain [AZ]	21	2	9.5%
McCaskill [MO]	18	3	16.7%
McConnell [KY]	12	1	8.3%
Menendez [NJ]	63	1	1.6%
Mikulski [MD]	20	3	15.0%
Murkowski [AK]	28	3	10.7%
Murray [WA]	35	5	14.3%
Nelson [FL]	43	4	9.3%
Nelson [NE]	15	2	13.3%

Obama [IL]	60	1	1.7%
Pryor [AR]	27	4	14.8%
Reed [RI]	29	4	13.8%
Reid [NV]	62	8	12.9%
Roberts [KS]	20		0.0%
Rockefeller [WV]	44	1	2.3%
Salazar [CO]	61	3	4.9%
Sanders [VT]	25		0.0%
Schumer [NY]	105	9	8.6%
Sessions [AL]	20	2	10.0%
Shelby [AL]	1		0.0%
Smith [OR]	69	10	14.5%
Snowe [ME]	86	2	2.3%
Specter [PA]	37		0.0%
Stabenow [MI]	27	2	7.4%
Stevens [AK]	25	1	4.0%
Sununu [NH]	12	3	25.0%
Tester [MT]	17		0.0%
Thomas [WY]	10	1	10.0%
Thune [SD]	27	3	11.1%
Vitter [LA]	59	2	3.4%
Voinovich [OH]	30	7	23.3%
Warner [VA]	14	5	35.7%
Webb [VA]	9		0.0%
Whitehouse [RI]	13		0.0%
Wicker [MS]	9		0.0%
Wyden [OR]	37	2	5.4%
<b>Grand Total</b>	<b>3741</b>	<b>315</b>	<b>8.4%</b>

### Appendix H

110<sup>th</sup> Congress—Resolutions sponsored, Resolution enacted, Enactment rate—All Senators

Senator	Sponsored	Enacted	Success Rate
Akaka [HI]	8	5	62.5%
Alexander [TN]	7	5	71.4%
Allard [CO]	12	10	83.3%
Baucus [MT]	10	6	60.0%
Bayh [IN]	2	1	50.0%
Bennett [UT]	1	1	100.0%

Biden [DE]	38	26	68.4%
Bingaman [NM]	5	3	60.0%
Bond [MO]	3		0.0%
Boxer [CA]	11	7	63.6%
Brown [OH]	18	8	44.4%
Brownback [KS]	12	4	33.3%
Bunning [KY]	2	2	100.0%
Burr [NC]	6	3	50.0%
Byrd [WV]	5	2	40.0%
Cantwell [WA]	3	3	100.0%
Cardin [MD]	10	8	80.0%
Carper [DE]	1	1	100.0%
Casey [PA]	15	10	66.7%
Chambliss [GA]	12	11	91.7%
Clinton [NY]	24	9	37.5%
Coleman [MN]	11	4	36.4%
Collins [ME]	10	6	60.0%
Conrad [ND]	4	3	75.0%
Cornyn [TX]	8	4	50.0%
Craig [ID]	1		0.0%
Crapo [ID]	9	9	100.0%
DeMint [SC]	7	2	28.6%
Dodd [CT]	16	8	50.0%
Dole [NC]	14	9	64.3%
Domenici [NM]	3	2	66.7%
Dorgan [ND]	7	1	14.3%
Durbin [IL]	23	15	65.2%
Enzi [WY]	8	5	62.5%
Feingold [WI]	19	11	57.9%
Feinstein [CA]	29	20	69.0%
Graham [SC]	7	5	71.4%
Grassley [IA]	4	2	50.0%
Gregg [NH]	1		0.0%
Hagel [NE]	13	7	53.8%
Harkin [IA]	5	4	80.0%
Hatch [UT]	12	11	91.7%
Hutchison [TX]	7	5	71.4%
Inhofe [OK]	14	10	71.4%
Inouye [HI]	3	1	33.3%
Isakson [GA]	8	5	62.5%



Johnson [SD]	3	1	33.3%
Kennedy [MA]	14	7	50.0%
Kerry [MA]	20	11	55.0%
Klobuchar [MN]	2	1	50.0%
Kohl [WI]	5	3	60.0%
Kyl [AZ]	2	2	100.0%
Landrieu [LA]	10	7	70.0%
Lautenberg [NJ]	8	5	62.5%
Leahy [VT]	14	8	57.1%
Levin [MI]	7	3	42.9%
Lieberman [CT]	7	3	42.9%
Lincoln [AR]	6	4	66.7%
Lott [MS]	3	2	66.7%
Lugar [IN]	16	11	68.8%
Martinez [FL]	6	2	33.3%
McCain [AZ]	1		0.0%
McCaskill [MO]	2	2	100.0%
McConnell [KY]	21	20	95.2%
Menendez [NJ]	9	3	33.3%
Mikulski [MD]	9	3	33.3%
Murkowski [AK]	14	14	100.0%
Murray [WA]	7	5	71.4%
Nelson [FL]	14	9	64.3%
Nelson [NE]	8	5	62.5%
Obama [IL]	11	3	27.3%
Pryor [AR]	4	4	100.0%
Reed [RI]	7	7	100.0%
Reid [NV]	68	63	92.6%
Roberts [KS]	4	4	100.0%
Rockefeller [WV]	5	2	40.0%
Salazar [CO]	9	6	66.7%
Sanders [VT]	2		0.0%
Schumer [NY]	8	4	50.0%
Sessions [AL]	4	2	50.0%
Shelby [AL]	2	1	50.0%
Smith [OR]	13	7	53.8%
Snowe [ME]	6		0.0%
Specter [PA]	15	7	46.7%
Stabenow [MI]	11	9	81.8%
Stevens [AK]	12	9	75.0%

Sununu [NH]	2	2	100.0%
Thomas [WY]	1	1	100.0%
Thune [SD]	4	3	75.0%
Vitter [LA]	16	6	37.5%
Voinovich [OH]	5	4	80.0%
Warner [VA]	7	3	42.9%
Webb [VA]	3	2	66.7%
Whitehouse [RI]	3	3	100.0%
Wicker [MS]	1		0.0%
Wyden [OR]	3	1	33.3%
<b>Grand Total</b>	<b>882</b>	<b>554</b>	<b>62.8%</b>

### **Appendix I**

110<sup>th</sup> Congress – Combined Bill-Resolution enactment rate (weighted 75/25) – All Senators

Senator	Success Rate Bills	Success Rate Resolutions	Overall Success Rate
Akaka [HI]	9.6%	62.5%	22.8%
Alexander [TN]	6.7%	71.4%	22.9%
Allard [CO]	9.4%	83.3%	27.9%
Barrasso [WY]	6.7%	#N/A	#N/A
Baucus [MT]	12.5%	60.0%	24.4%
Bayh [IN]	8.7%	50.0%	19.0%
Bennett [UT]	0.0%	100.0%	25.0%
Biden [DE]	23.5%	68.4%	34.8%
Bingaman [NM]	5.1%	60.0%	18.8%
Bond [MO]	11.1%	0.0%	8.3%
Boxer [CA]	8.3%	63.6%	22.2%
Brown [OH]	5.2%	44.4%	15.0%
Brownback [KS]	10.0%	33.3%	15.8%
Bunning [KY]	6.3%	100.0%	29.7%
Burr [NC]	4.5%	50.0%	15.9%
Byrd [WV]	14.3%	40.0%	20.7%
Cantwell [WA]	7.3%	100.0%	30.5%
Cardin [MD]	19.2%	80.0%	34.4%
Carper [DE]	14.3%	100.0%	35.7%
Casey [PA]	0.0%	66.7%	16.7%
Chambliss [GA]	12.5%	91.7%	32.3%
Clinton [NY]	3.6%	37.5%	12.1%

Coburn [OK]	0.0%	#N/A	#N/A
Cochran [MS]	10.0%	#N/A	#N/A
Coleman [MN]	0.0%	36.4%	9.1%
Collins [ME]	4.9%	60.0%	18.7%
Conrad [ND]	0.0%	75.0%	18.8%
Corker [TN]	0.0%	#N/A	#N/A
Cornyn [TX]	0.0%	50.0%	12.5%
Craig [ID]	9.1%	0.0%	6.8%
Crapo [ID]	5.0%	100.0%	28.8%
DeMint [SC]	0.0%	28.6%	7.1%
Dodd [CT]	10.8%	50.0%	20.6%
Dole [NC]	5.3%	64.3%	20.0%
Domenici [NM]	12.8%	66.7%	26.3%
Dorgan [ND]	9.6%	14.3%	10.8%
Durbin [IL]	9.2%	65.2%	23.2%
Ensign [NV]	3.8%	#N/A	#N/A
Enzi [WY]	14.3%	62.5%	26.3%
Feingold [WI]	0.0%	57.9%	14.5%
Feinstein [CA]	12.8%	69.0%	26.9%
Graham [SC]	9.1%	71.4%	24.7%
Grassley [IA]	4.7%	50.0%	16.0%
Gregg [NH]	0.0%	0.0%	0.0%
Hagel [NE]	4.5%	53.8%	16.9%
Harkin [IA]	19.0%	80.0%	34.3%
Hatch [UT]	16.1%	91.7%	35.0%
Hutchison [TX]	13.8%	71.4%	28.2%
Inhofe [OK]	7.8%	71.4%	23.7%
Inouye [HI]	13.0%	33.3%	18.1%
Isakson [GA]	5.9%	62.5%	20.0%
Johnson [SD]	4.8%	33.3%	11.9%
Kennedy [MA]	24.1%	50.0%	30.6%
Kerry [MA]	3.2%	55.0%	16.1%
Klobuchar [MN]	11.1%	50.0%	20.8%
Kohl [WI]	5.3%	60.0%	18.9%
Kyl [AZ]	8.3%	100.0%	31.3%
Landrieu [LA]	4.6%	70.0%	21.0%
Lautenberg [NJ]	3.6%	62.5%	18.4%
Leahy [VT]	25.5%	57.1%	33.4%
Levin [MI]	7.8%	42.9%	16.6%
Lieberman [CT]	8.6%	42.9%	17.1%

Lincoln [AR]	3.3%	66.7%	19.2%
Lott [MS]	0.0%	66.7%	16.7%
Lugar [IN]	11.1%	68.8%	25.5%
Martinez [FL]	4.0%	33.3%	11.3%
McCain [AZ]	9.5%	0.0%	7.1%
McCaskill [MO]	16.7%	100.0%	37.5%
McConnell [KY]	8.3%	95.2%	30.1%
Menendez [NJ]	1.6%	33.3%	9.5%
Mikulski [MD]	15.0%	33.3%	19.6%
Murkowski [AK]	10.7%	100.0%	33.0%
Murray [WA]	14.3%	71.4%	28.6%
Nelson [FL]	9.3%	64.3%	23.0%
Nelson [NE]	13.3%	62.5%	25.6%
Obama [IL]	1.7%	27.3%	8.1%
Pryor [AR]	14.8%	100.0%	36.1%
Reed [RI]	13.8%	100.0%	35.3%
Reid [NV]	12.9%	92.6%	32.8%
Roberts [KS]	0.0%	100.0%	25.0%
Rockefeller [WV]	2.3%	40.0%	11.7%
Salazar [CO]	4.9%	66.7%	20.4%
Sanders [VT]	0.0%	0.0%	0.0%
Schumer [NY]	8.6%	50.0%	18.9%
Sessions [AL]	10.0%	50.0%	20.0%
Shelby [AL]	0.0%	50.0%	12.5%
Smith [OR]	14.5%	53.8%	24.3%
Snowe [ME]	2.3%	0.0%	1.7%
Specter [PA]	0.0%	46.7%	11.7%
Stabenow [MI]	7.4%	81.8%	26.0%
Stevens [AK]	4.0%	75.0%	21.8%
Sununu [NH]	25.0%	100.0%	43.8%
Tester [MT]	0.0%	#N/A	#N/A
Thomas [WY]	10.0%	100.0%	32.5%
Thune [SD]	11.1%	75.0%	27.1%
Vitter [LA]	3.4%	37.5%	11.9%
Voinovich [OH]	23.3%	80.0%	37.5%
Warner [VA]	35.7%	42.9%	37.5%
Webb [VA]	0.0%	66.7%	16.7%
Whitehouse [RI]	0.0%	100.0%	25.0%
Wicker [MS]	0.0%	0.0%	0.0%
Wyden [OR]	5.4%	33.3%	12.4%

<b>Grand Total</b>	<b>8.42%</b>	<b>62.81%</b>	<b>22.02%</b>
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### Appendix J

#### 109<sup>th</sup> Senate Seniority Rankings

Source: RollCall which explains that: "Rankings are based on the date the oath of office was taken, except in cases when a Senator resigns after the election and the winner of the election is appointed to fill the remainder of the term. For Senators sworn in on the same date, seniority is determined by prior Senate service, followed by vice presidential, House, Cabinet and gubernatorial service, according to the Senate Rules and Administration Committee. If ties remain, seniority is based first on state population then alphabetically, if there are two Senators from the same state." <http://www.rollcall.com/politics/senateseniority.html>

Senator	Seniority Rank
Byrd [WV]	1
Kennedy [MA]	2
Inouye [HI]	3
Stevens [AK]	4
Domenici [NM]	5
Biden [DE]	6
Leahy [VT]	7
Sarbanes [MD]	8
Lugar [IN]	9
Hatch [UT]	10
Baucus [MT]	11
Cochran [MS]	12
Warner [VA]	13
Levin [MI]	14
Dodd [CT]	15
Grassley [IA]	16
Specter [PA]	17
Bingaman [NM]	18
Kerry [MA]	19
Harkin [IA]	20
McConnell [KY]	21
Rockefeller [WV]	22
Mikulski [MD]	23
Shelby [AL]	24
McCain [AZ]	25
Reid [NV]	26

Bond [MO]	27
Conrad [ND]	28
Lott [MS]	29
Jeffords [VT]	30
Burns [MT]	31
Kohl [WI]	32
Lieberman [CT]	33
Akaka [HI]	34
Craig [ID]	35
Feinstein [CA]	36
Dorgan [ND]	37
Boxer [CA]	38
Gregg [NH]	39
Feingold [WI]	40
Murray [WA]	41
Bennett [UT]	42
Hutchison [TX]	43
Inhofe [OK]	44
Snowe [ME]	45
DeWine [OH]	46
Kyl [AZ]	47
Thomas [WY]	48
Santorum [PA]	49
Frist [TN]	50
Wyden [OR]	51
Brownback [KS]	52
Roberts [KS]	53
Durbin [IL]	54
Johnson [SD]	55
Allard [CO]	56
Reed [RI]	57
Landrieu [LA]	58
Sessions [AL]	59
Smith [OR]	60
Hagel [NE]	61
Collins [ME]	62
Enzi [WY]	63
Schumer [NY]	64
Bunning [KY]	65
Crapo [ID]	66

Lincoln [AR]	67
Bayh [IN]	68
Voinovich [OH]	69
Chafee [RI]	70
Nelson [NE]	71
Carper [DE]	72
Stabenow [MI]	73
Ensign [NV]	74
Cantwell [WA]	75
Allen [VA]	76
Nelson [FL]	77
Clinton [NY]	78
Corzine [NJ]	79
Dayton [MN]	80
Talent [MO]	81
Murkowski [AK]	82
Lautenberg [NJ]	83
Chambliss [GA]	84
Graham [SC]	85
Sununu [NH]	86
Dole [NC]	87
Alexander [TN]	88
Cornyn [TX]	89
Coleman [MN]	90
Pryor [AR]	91
Burr [NC]	92
Isakson [GA]	93
Vitter [LA]	94
DeMint [SC]	95
Coburn [OK]	96
Thune [SD]	97
Martinez [FL]	98
Obama [IL]	99
Salazar [CO]	100
Menendez [NJ]	101

**Appendix K****110<sup>th</sup> Senate Seniority Rankings**

Source: RollCall which explains that: "Rankings are based on the date the oath of office was taken, except in cases when a Senator resigns after the election and the winner of the election is appointed to fill the remainder of the term. For Senators sworn in on the same date, seniority is determined by prior Senate service, followed by vice presidential, House, Cabinet and gubernatorial service, according to the Senate Rules and Administration Committee. If ties remain, seniority is based first on state population then alphabetically, if there are two Senators from the same state."  
<http://www.rollcall.com/politics/senateseniority.html>

Senator	Seniority Rank
Byrd [WV]	1
Kennedy [MA]	2
Inouye [HI]	3
Stevens [AK]	4
Domenici [NM]	5
Biden [DE]	6
Leahy [VT]	7
Lugar [IN]	8
Hatch [UT]	9
Baucus [MT]	10
Cochran [MS]	11
Warner [VA]	12
Levin [MI]	13
Dodd [CT]	14
Grassley [IA]	15
Specter [PA]	16
Bingaman [NM]	17
Kerry [MA]	18
Harkin [IA]	19
McConnell [KY]	20
Rockefeller [WV]	21
Mikulski [MD]	22
Shelby [AL]	23
McCain [AZ]	24
Reid [NV]	25
Bond [MO]	26
Conrad [ND]	27
Lott [MS]	28
Kohl [WI]	29



Lieberman [CT]	30
Akaka [HI]	31
Craig [ID]	32
Feinstein [CA]	33
Dorgan [ND]	34
Boxer [CA]	35
Gregg [NH]	36
Feingold [WI]	37
Murray [WA]	38
Bennett [UT]	39
Hutchison [TX]	40
Inhofe [OK]	41
Snowe [ME]	42
Kyl [AZ]	43
Thomas [WY]	44
Wyden [OR]	45
Brownback [KS]	46
Roberts [KS]	47
Durbin [IL]	48
Johnson [SD]	49
Allard [CO]	50
Reed [RI]	51
Landrieu [LA]	52
Sessions [AL]	53
Smith [OR]	54
Hagel [NE]	55
Collins [ME]	56
Enzi [WY]	57
Schumer [NY]	58
Bunning [KY]	59
Crapo [ID]	60
Lincoln [AR]	61
Bayh [IN]	62
Voinovich [OH]	63
Nelson [NE]	64
Carper [DE]	65
Stabenow [MI]	66
Ensign [NV]	67
Cantwell [WA]	68
Nelson [FL]	69

Clinton [NY]	70
Murkowski [AK]	71
Lautenberg [NJ]	72
Chambliss [GA]	73
Graham [SC]	74
Sununu [NH]	75
Dole [NC]	76
Alexander [TN]	77
Cornyn [TX]	78
Coleman [MN]	79
Pryor [AR]	80
Burr [NC]	81
Isakson [GA]	82
Vitter [LA]	83
DeMint [SC]	84
Coburn [OK]	85
Thune [SD]	86
Martinez [FL]	87
Obama [IL]	88
Salazar [CO]	89
Menendez [NJ]	90
Cardin [MD]	91
Sanders [VT]	92
Brown [OH]	93
Webb [VA]	94
Casey [PA]	95
Corker [TN]	96
McCaskill [MO]	97
Klobuchar [MN]	98
Whitehouse [RI]	99
Tester [MT]	100
Wicker [MS]	101
Barrasso [WY]	102

**Appendix L**109<sup>th</sup> Senate Leadership Positions

Majority (Republican) leadership for the 109th Congress

Majority Leader/Chair of the Republican Conference: Bill Frist (Tenn.)

Majority Whip: Mitch McConnell (Ky.)

Conference Secretary: Rick Santorum (Pa.)

Vice-Chairman of the Conference: Kay Bailey Hutchison (Texas)

Policy Committee Chairman: Jon Kyl (Ariz.)

RNSC Chairwoman: Elizabeth Dole (N.C.)

Minority (Democratic) leadership for the 109th Congress

Minority Leader/Chairman of Democratic Conference: Harry Reid (Nev.)

Minority Whip: Dick Durbin (Ill.)

Conference secretary: Debbie Stabenow (Mich.)

Chair of the Steering Committee: Hillary Clinton (N.Y.)

Chairman of DSCC: Charles Schumer (N.Y.)

Policy Committee Chair: Byron Dorgan (N.D.)

**Appendix M**110<sup>th</sup> Senate Leadership Positions

(Majority) Democratic Leadership

Majority Leader/Chairman of Democratic Caucus: Harry Reid (Nev.)

Majority Whip: Dick Durbin (Ill.)

Chairman of DSCC/Vice-chair of Democratic Caucus: Charles Schumer  
(N.Y.)

Conference Secretary: Patty Murray (Wa.)

Chair of the Steering Committee: Debbie Stabenow (Mich.)

Republican Leadership

Minority Leader: Mitch McConnell (Ky.)

Minority Whip: Trent Lott (Miss.)

Conference Chair: Jon Kyl (Az.)

Conference Vice-Chair: John Cornyn (Texas)

Policy Committee Chairman: Kay Bailey Hutchison (Texas)

Chairman of the NRSC: John Ensign (Nev.)

**Appendix N****109<sup>th</sup> CONGRESS—Chair and Ranking Members of Senate Committees****Agriculture, Nutrition, and Forestry****Chairman: Saxby Chambliss (R-Georgia)****Ranking Member: Tom Harkin (D-Iowa)****Appropriations****Chairman: Thad Cochran (R-Mississippi)****Ranking Member: Robert C. Byrd (D-West Virginia)****Armed Services****Chairman: John Warner (R-Virginia)****Ranking Member: Carl Levin (D-Michigan)****Banking, Housing, and Urban Affairs****Chairman: Richard Shelby (R-Alabama)****Ranking Member: Paul S. Sarbanes (D-Maryland)****Budget****Chairman: Judd Gregg (R-New Hampshire)****Ranking Member: Kent Conrad (D-North Dakota)****Commerce, Science, and Transportation****Chairman: Ted Stevens (R-Alaska)****Ranking Member: Daniel Inouye (D-Hawaii)****Energy and Natural Resources****Chairman: Pete Domenici (R-New Mexico)****Ranking Member: Jeff Bingaman (D-New Mexico)****Environment and Public Works****Chairman: James Inhofe (R-Oklahoma)****Ranking Member: James Jeffords (I-Vermont.)****Finance****Chairman: Charles Grassley (R-Iowa)****Ranking Member: Max Baucus (D-Montana)****Foreign Relations****Chairman: Richard Lugar (R-Indiana)****Ranking Member: Joseph Biden (D-Delaware)****Health, Education, Labor, and Pensions****Chairman: Mike Enzi (R-Wyoming)****Ranking Member: Edward M. Kennedy (D-Massachusetts)****Homeland Security and Governmental Affairs****Chairman: Susan Collins (R-Maine)****Ranking Member: Joseph Lieberman (D-Connecticut)****Judiciary****Chairman: Arlen Specter (R-Pennsylvania)****Ranking Member: Patrick Leahy (D-Vermont)****Rules and Administration****Chairman: Trent Lott (R-Mississippi)**

Ranking Member: Christopher Dodd (D-Connecticut)

Small Business

Chairman: Olympia Snowe (R-Maine)

Ranking Member: John Kerry (D-Massachusetts)

Veterans' Affairs

Chairman: Larry Craig (R-Idaho)

Ranking Member: Daniel Akaka (D-Hawaii)

Senate Special or Select Committees

Aging

Chairman: Gordon Smith (R-Oregon)

Ranking Member: Herb Kohl (D-Wisconsin)

Ethics

Chairman: George Voinovich (R-Ohio)

Vice-Chairman: Tim Johnson (D-South Dakota)

Indian Affairs

Chairman: John McCain (R-Arizona)

Ranking Member: Byron Dorgan (D-North Dakota)

Intelligence

Chairman: Pat Roberts (R-Kansas)

Vice Chairman John Rockefeller (D-West Virginia)

### **Appendix O**

110<sup>th</sup> CONGRESS – Chair and Ranking Members of Senate Committees

Agriculture, Nutrition, and Forestry (20 members) Chairman: Tom Harkin  
(D-Iowa)

Ranking Rep.: Saxby Chambliss (R-Ga.)

Appropriations (28 members) Chairman: Robert C. Byrd (D-W.Va.)

Ranking Rep.: Thad Cochran (R-Miss.)

Armed Services (24 members) Chairman: Carl Levin (D-Mich.)

Ranking Rep.: John McCain (R-Ariz.)

Banking, Housing, and Urban Affairs (20 members) Chairman:  
Christopher Dodd (D-Conn.)

Ranking Rep.: Richard C. Shelby (R-Ala.)

Budget (22 members) Chairman: Kent Conrad (D-N.D.)

Ranking Rep.: Judd Gregg (R-N.H.)

Commerce, Science, and Transportation (22 members) Chairman: Daniel  
K. Inouye (D-Hawaii)

Ranking Rep.: Ted Stevens (R-Alaska)

Energy and Natural Resources (22 members) Chairman: Jeff Bingaman (D-  
N.M.)

Ranking Rep.: Pete V. Domenici (R-N.M.)

Environment and Public Works (18 members) Chairman: Barbara Boxer  
(D-Calif.)

Ranking Rep.: James M. Inhofe (R-Okla.)

Finance (20 members) Chairman: Max Baucus (D-Mont.)

Ranking Rep.: Charles E. Grassley (R-Iowa)  
Foreign Relations (18 members) Chairman: Joseph R. Biden, Jr. (D-Del.)  
Ranking Rep.: Richard G. Lugar (R-Ind.)  
Health, Education, Labor, and Pensions (20 members) Chairman: Edward  
M. Kennedy (D-Mass.)  
Ranking Rep.: Mike Enzi (R-Wyo.)  
Homeland Security and Governmental Affairs (16 members) Chairman:  
Joseph Lieberman (D-Conn.)  
Ranking Rep.: Susan Collins (R-Maine)  
Judiciary (18 members) Chairman: Patrick J. Leahy (D-Vt.)  
Ranking Rep.: Arlen Specter (R-Pa.)  
Rules and Administration (18 members) Chairman: Dianne Feinstein (D-Calif.)  
Ranking Rep.: Robert Bennett (R-Utah)  
Small Business (18 members) Chairman: John Kerry (D-Mass.)  
Ranking Rep.: Olympia J. Snowe (R-Maine)  
Veterans' Affairs (14 members) Chairman: Daniel Akaka (D-Hawaii)  
Ranking Rep.: Richard Burr (R-N.C.)  
Senate Special or Select Committees  
Aging (19 members) Chairman: Herb Kohl (D-Wis.)  
Ranking Rep.: Gordon Smith (R-Oregon)  
Ethics (6 members) Chairman: Barbara Boxer (D-Calif.)  
Ranking Rep.: John Cornyn (R-Texas)  
Indian Affairs (14 members) Chairman: Byron L. Dorgan (D-N.D.)  
Ranking Rep.: Lisa Murkowski (R-Alaska)  
Intelligence (15 members) Chairman: John D. Rockefeller IV (D-W. Va.)  
Ranking Rep.: Kit Bond (R-Mo.)