

S.Res. 444: Providing for *En Bloc* Consideration of Military Nominations

November 9, 2023

On October 31, 2023, Senator Jack Reed, chair of the Senate Armed Services Committee, submitted S.Res. 444, a resolution proposing a temporary process to allow the Senate to consider more than one military nomination at a time (referred to as *en bloc* consideration). The resolution was referred to the Committee on Rules and Administration, and the committee has [announced](#) its intention to meet to consider the resolution on November 14, 2023.

Background

Every year, the President submits to the Senate, for its advice and consent, thousands of nominations for noncivilian military appointments and promotions. These nominations are sometimes submitted as lists of names for appointment to the grade indicated, such that one presidential message can contain multiple individual nominations. Such a list is usually assigned a single [Presidential Nomination \(PN\) number](#) by the Senate with the expectation that the individual nominations will be considered together by unanimous consent. Military nominations are referred to the Senate Armed Services Committee, which has the option of reporting them to the full Senate.

The Senate, by unanimous consent, routinely takes up and confirms reported military nominations *en bloc* when no Senator objects to their consideration. For example, on [September 30, 2023, the Senate took up and confirmed 4,280 military nominees *en bloc* by unanimous consent](#). Under current procedures, unanimous consent is the only way to consider multiple nominations simultaneously. (For more information regarding current procedures for considering nominations absent unanimous consent, see CRS Insight IN12200, *Holds on Nominations*.)

Procedures Proposed by S.Res. 444

The procedures proposed in S.Res. 444 would apply to military promotions and appointments reported favorably by the Armed Services Committee, excluding nominations to [the 8 positions that make up the Joint Chiefs of Staff](#) (defined by [law](#)) and excluding nominations to be a commander of the [11 combatant commands](#) (also defined by [law](#), including separate provisions of [law concerning the combatant command for special operations forces](#) and for [cyber operations](#)).

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S.Res. 444 would allow a group of military nominations to be considered under the same cloture process that can currently be used for a single nomination. Specifically, under S.Res. 444, the steps to confirm a group of military nominations in the absence of unanimous consent would include the following:

- The majority leader (or his designee) makes a motion to proceed to consider a group of military nominations. Qualifying military nominations can only be included in the motion if they were reported favorably by the Armed Services Committee on or before the previous calendar day.
- The Senate votes on the motion to proceed; this motion is not debatable and requires majority support for approval.
- If the Senate agrees to take up the group of nominations, a single cloture motion can be filed on that group of nominations.
- Two days of session later, the Senate votes on cloture. If a majority of Senators voting support cloture, then cloture is said to be *invoked*, and further consideration of the nomination is limited.
- The Senate conducts postcloture consideration on the nominations for a maximum of two hours.
- After the two hours of postcloture consideration expires, or when no Senator seeks recognition to continue consideration of the nominations, the Senate takes a single vote to confirm the group of nominations, which requires majority support.
- The *motion to reconsider* the confirmation vote is considered made and tabled (i.e., adversely disposed of). This action makes the confirmation vote on the group of nominations final and immediately triggers notification to the President of Senate approval of the nominations.

Under the terms of S.Res. 444, at no time during this process can a Senator force consideration of each nomination separately by demanding a division of the question. Although infrequent, under regular Senate procedures, a single Senator can cause some questions that consist of multiple parts, such as an amendment inserting several sections into a bill, to be divided for a separate debate and vote on each component part. S.Res. 444 explicitly states that this parliamentary action would not be permitted.

S.Res. 444, if agreed to, would be in effect only during the 118th Congress. There is no limit on the number of times this motion to consider military nominations *en bloc* could be used during the Congress.

Process for Consideration of S.Res. 444

S.Res. 444 does not propose to amend the Standing Rules of the Senate. Changes to Senate procedure that do not amend Senate rules are routinely referred to as *standing orders*. Major standing orders that affect Senate floor procedure are published in a [section of the Senate Manual](#). Standing orders operate with the same authority as standing rules and are enforceable on the Senate floor in the same way. (For more information on the various parliamentary authorities that govern Senate proceedings, see CRS Report RL30788, *Parliamentary Reference Sources: Senate*).

If the Senate wished to consider the proposed standing order, the first step would be for the Rules and Administration Committee to report S.Res. 444. The Senate could then consider S.Res. 444 under its usual procedures, which could require cloture on the motion to proceed to the resolution and also again on the resolution itself. [Senate Rule XXII](#), paragraph 2, lays out the vote thresholds necessary to invoke cloture. For most questions (including for consideration and approval of standing orders), invoking cloture requires the support of three-fifths of Senators duly chosen and sworn (60 Senators, assuming no more than one vacancy in the chamber). However, the rule also establishes a higher vote threshold for bringing debate to an end on a “measure or motion to amend the Senate rules,” requiring an affirmative

vote of two-thirds of Senators present and voting. Under long-standing Senate practice, a measure or motion is only subject to a two-thirds cloture threshold when it explicitly would amend the text of the Standing Rules of the Senate. Because S.Res. 444 does not amend any Senate rule, invoking cloture on questions related to its consideration would be subject to a three-fifths affirmative threshold.

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