

Consideration of Nominations *En Bloc*: Reinterpretation of Senate Rules

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In the 119th Congress, the Senate established a new procedure to allow it to consider multiple nominations at once (referred to as *en bloc* consideration). Previously, *en bloc* consideration required unanimous consent. The Senate also reinterpreted Rule XXII to lower the threshold for cloture—from three-fifths to a simple majority—on steps necessary to reach a vote to confirm certain types of nominations *en bloc*. Judicial nominations and some other nominations are not eligible for *en bloc* consideration with a majority threshold for cloture (see **Figure 1**).

To take up nominations *en bloc*, the Senate must first adopt an executive resolution making it not out of order to do so. The executive resolution allows the Senate to proceed to the *en bloc* consideration of the nominations specifically identified in the measure itself. In practice, an executive resolution is not submitted to the Senate for referral to committee. Instead, its sponsor will seek recognition on the floor to “send to the desk” the executive resolution and ask unanimous consent for its immediate consideration. The Senator will then object to his or her own request in order to place the measure onto the Executive Calendar.

On the next calendar day, any Senator may make a non-debatable motion to proceed to executive session to take up the executive resolution. Taking up the executive resolution is not debatable, but consideration of the measure itself is debatable, meaning a cloture process may be necessary to reach a vote on the resolution itself. The vote on a cloture motion occurs two calendar days of session after the motion was filed and requires the support of a simple majority. If cloture is invoked, up to 30 additional hours of post-cloture consideration occurs before the Senate votes on adoption of the executive resolution.

Adopting the resolution does not have the effect of confirming the nominations listed in the measure, but instead allows for the Senate to proceed to consider those nominations with a single motion (whereas otherwise it would only be in order to proceed to one nomination at a time). After the Senate has adopted such an executive resolution, a Senator may move to proceed to executive session to consider the nominations listed in the resolution. If the motion is agreed to by majority vote, all of the listed nominations become pending before the Senate as a single item of business. The question of confirmation is debatable. If cloture is filed on the nominations *en bloc*, a vote to invoke cloture occurs two calendar days of session later and requires the support of a simple majority of Senators voting. If cloture is invoked on the nominations *en bloc*, up to 30 hours of post-cloture consideration occurs before the vote to confirm *en bloc*. (See **Figure A-1**.)

To establish the new procedures, the Senate took three actions. First, a majority of Senators voted to table—meaning, adversely dispose of—a question submitted by the presiding officer: Is a resolution for the *en bloc* consideration of specific nominations on the Executive Calendar required to be considered in legislative session? By disposing of this question, the Senate determined that a simple resolution providing for the consideration of multiple nominations qualified as an executive resolution. The Senate has long considered executive resolutions differently than other simple resolutions: they can be placed on the Executive Calendar directly, without committee consideration, in a status where they are eligible to be taken up by a simple majority with a nondebatable motion to proceed.

Second, the Senate, by reversing a ruling of the chair, lowered the threshold necessary to invoke cloture on an executive resolution providing for consideration of multiple executive branch nominations. The Senate did so by taking a series of steps similar to those taken in 2013 and 2017 lowering the cloture threshold for nominations. The steps included a vote to reconsider a failed cloture vote (in order to create a parliamentary posture in which an appeal would not be subject to unlimited debate); a point of order that contained elements of the desired new procedure; a ruling by the chair that the point of order was not well taken because the cloture threshold was three-fifths; an appeal of that ruling; and a majority vote defeating the question submitted to the Senate: Shall the decision of the chair stand as judgment of the Senate? Third, the Senate repeated those basic steps—reconsideration of a failed cloture vote, a point of order, and a reversal of the ruling of the chair—to establish that cloture on nominations considered *en bloc* also requires only a majority threshold.

The establishment of a process to consider nominations *en bloc* could impact certain routines and practices of the Senate, including committee action on nominations, the nature of negotiations concerning the approval of a group of nominations, and the number and timing of roll call votes taken in relation to nominations.

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Through a series of actions in September 2025, including a vote on a submitted point of order and two votes to reverse rulings of the Presiding Officer, the Senate established a new procedure that allows it to consider more than one nomination at a time. Under previous Senate rules and precedents, it required unanimous consent to consider multiple nominations at once (referred to as *en bloc* consideration).

This report first explains the new procedure that can be used to consider nominations *en bloc*. It then describes the process the Senate used to reinterpret its existing procedures, and it concludes with a brief discussion about possible implications of the change on the confirmation process in the Senate. This report may serve as a useful introduction to the process for considering nominations *en bloc*, but it should not be considered an adequate substitute for consultation with the Senate Parliamentarian on the meaning and possible application of the new process.

For introductory material covering the full Senate confirmation process, see CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, and CRS Report RL30959, *Presidential Appointee Positions Requiring Senate Confirmation and Committees Handling Nominations*.

Consideration of Nominations *En Bloc*: The Process

Brief Overview

As of September 2025, the Senate may consider certain executive branch nominations *en bloc* through a two-stage process requiring simple majority support. First, the Senate considers an *executive resolution*—a form of a simple resolution exclusively concerned with nominations or treaties—that permits identified nominations to be taken up *en bloc*. Second, the Senate considers the nominations *en bloc*. Each stage will likely include a multi-day cloture process requiring the support of a simple majority of Senators (51, if all 100 Senators are voting), unless unanimous consent agreements are reached to expedite the process.

Nominations Excluded from *En Bloc* Consideration

Generally, the new procedures apply to most executive branch nominations. They do not apply to most judicial branch nominations, and nominations must be listed on the “Nominations” section of the *Executive Calendar* to be eligible to be considered *en bloc*.

Specifically, under the precedents established in September 2025, the cloture threshold at both steps of the process for considering nominations *en bloc* is a simple majority for nominations **excluding**:

- Article III judges,¹ meaning judicial nominations to the:
 - U.S. Supreme Court
 - U.S. Circuit Court of Appeals
 - U.S. District Courts
 - U.S. Court of International Trade

¹ The point of order lowering the cloture threshold excluded “article III judges,” which are judges in courts established by Congress pursuant to Article III of the Constitution. For more information, see “Types of Federal Judges,” on the United States Courts website, <https://www.uscourts.gov/about-federal-courts/types-federal-judges>.

- 21 high-ranking executive branch positions identified in 5 U.S.C. §5312. These are the same 21 positions still subject to 30 hours of post-cloture consideration under the precedent set April 3, 2019.² The 21 positions are:
 - Secretary of State
 - Secretary of the Treasury
 - Secretary of Defense
 - Attorney General
 - Secretary of the Interior
 - Secretary of Agriculture
 - Secretary of Commerce
 - Secretary of Labor
 - Secretary of Health and Human Services
 - Secretary of Housing and Urban Development
 - Secretary of Transportation
 - Secretary of Energy
 - Secretary of Education
 - Secretary of Veterans Affairs
 - Secretary of Homeland Security
 - United States Trade Representative
 - Director of the Office of Management and Budget
 - Commissioner of Social Security, Social Security Administration
 - Director of National Drug Control Policy
 - Chairman, Board of Governors of the Federal Reserve System
 - Director of National Intelligence

The nominations are further required to be assigned a number on the “Nominations” section of the Executive Calendar. A nomination receives an Executive Calendar number in one of two ways. The first way is that it is reported from a committee. The second way applies only to what are called “privileged nominations.” Unless a Senator requests its referral to committee, a privileged nomination is moved to the “Nominations” section of the Calendar and assigned a number after required information is received from the nominee and a 10-session-day waiting period has elapsed.³

Nominations in other sections of the Executive Calendar are excluded from consideration *en bloc* under the new procedures. Those listed in the “Privileged Nominations” section of the Calendar, not having met the information or waiting period requirements, are excluded. In addition, nominations appearing on the Calendar in the section “Nominations Placed on the Secretary’s Desk” are not eligible for inclusion. These are routine nominations—mostly promotions in the

² *Congressional Record*, daily edition, vol. 165 (April 3, 2019), p. S2220. For more information, see “Reduced Post-Cloture Time on Nominations: Reinterpretation of the Rule” in CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*.

³ For more information on how privileged nominations are placed on the “Nominations” section of the Calendar and could be eligible to be considered *en bloc*, see CRS Report R46273, *Consideration of Privileged Nominations in the Senate*.

military—that the Senate normally considers and approves by unanimous consent in large groups. When the Senate receives such nominations, they are printed in the *Congressional Record* for the information of all Senators. After being printed in the *Record*, these nominations are identified in the Executive Calendar by entries such as “Air Force nominations (70) beginning Anthony J. Aceto, and ending Eric M. Young, which nominations were received by the Senate and appeared in the Congressional Record of April 28, 2025.”

Figure 1. Nominations NOT ELIGIBLE for *En Bloc* Consideration by Simple Majority

Under Senate precedents established September, 2025, an <i>en bloc</i> package containing any nominations meeting any of these criteria would not be subject to a simple majority threshold to invoke cloture.	 Nominations where the committee of referral has not reported or been discharged from further consideration  Article III Judges  Nominations at pay level 1 of the Executive Schedule codified at 5 U.S.C. 5312  Nominations on the “Nominations Placed on the Secretary’s Desk” section of the Executive Calendar  Privileged nominations if still on the “Privileged Nominations” section of the Executive Calendar
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Source: Figure developed by CRS based on Senate actions on points of order in September, 2025 (see text of report for *Congressional Record* citations). Graphic design by Amber Wilhelm.

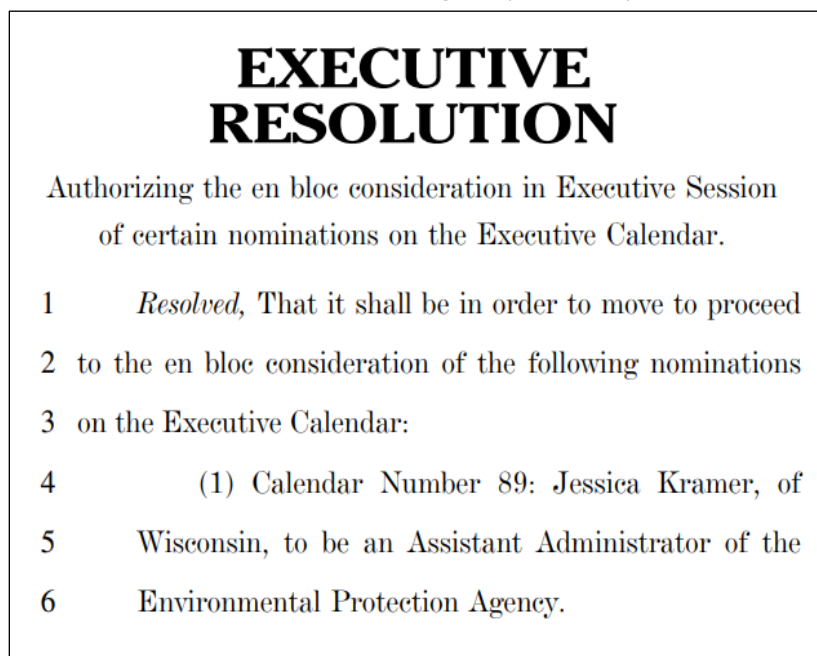
Executive Resolutions

To take up nominations *en bloc*, the Senate must first adopt an executive resolution permitting it to do so.⁴ The purpose of the executive resolution is to make it in order to move to proceed to the *en bloc* consideration of certain nominations specifically identified in the measure itself (see **Figure 2**). The list of nominations is numbered sequentially, with each entry containing the name of the nominee, the position they are nominated to, and the nomination’s corresponding Executive Calendar number. This information allows individual Senators to quickly gauge the size and scope of the *en bloc* package being proposed for floor consideration.

⁴ An executive resolution is a simple Senate resolution (S.Res.) proposing action on some item of executive business (nominations or treaties).

Figure 2. Senate Executive Resolution

S.Res. 377, 119th Congress (2025-2026)



Source: Congress.gov

Notes: S.Res. 377 (excerpt above) made it in order for a motion to proceed to 48 nominations, each listed and numbered in the text of the executive resolution itself.

Steps for Consideration of Nominations *En Bloc*

As mentioned above, the process for confirming nominations *en bloc*, absent unanimous consent, has two stages: first, a cloture process on an executive resolution identifying eligible nominations and then a cloture process on the nominations, *en bloc*. See **Figure A-1** in the Appendix of this report for a graphical depiction of a hypothetical cloture timeline.

Specifically, the steps to confirm nominations *en bloc* include:

Consideration of an Executive Resolution

1. When the Senate is in executive session, a Senator can be recognized to submit an executive resolution and ask unanimous consent for its immediate consideration. The Senator will then object to his or her own request in order to place the measure onto the Executive Calendar. (This is because, under Senate Rule XIV, paragraph 6, if there is an objection, the executive resolution must lie over until the next executive session on another calendar day. The resolution would then be listed on the Executive Calendar in the status of “over, under the rule.”)
2. On the next calendar day, any Senator may move to proceed to executive session to take up the executive resolution. This motion is not debatable and can be approved by a simple majority.

3. After the Senate takes up the executive resolution by agreeing to the motion to proceed to it, cloture can be filed on the resolution.⁵
4. Two days of session later, the Senate votes on cloture on the executive resolution.⁶ Under the rule, the vote must be by rollcall. If a majority of Senators voting support cloture, then cloture is said to be invoked, and further consideration of the executive resolution is limited to a maximum of 30 additional hours.
5. The Senate conducts post-cloture consideration of the executive resolution.⁷ Once cloture is invoked on a matter, the Senate can consider other business during the post-cloture period only by unanimous consent. Under the Senate Rule, post-cloture time runs only when the Senate is in session, considering the executive resolution.⁸
6. After post-cloture consideration time expires, or when no Senator seeks to discuss the executive resolution further, the Senate votes on the executive resolution. The resolution requires a simple majority for approval.

Consideration of Nominations *En Bloc*

7. After the executive resolution is agreed to, a Senator may move to proceed to executive session to consider the identified nominations.⁹ This motion is not debatable; it can be approved with simple majority support.
8. Once the Senate agrees to take up the nominations *en bloc*, a cloture motion can be filed on the nominations.
9. Two days of session later, the Senate votes on cloture.¹⁰ Under the rule, the vote must be by rollcall. If a majority of Senators voting support cloture, then cloture is invoked, and further consideration of the nominations *en bloc* is limited to 30 hours.
10. The Senate conducts post-cloture consideration of the nominations, *en bloc*. Once cloture is invoked on a matter, the Senate can consider other business during the

⁵ For more information on the cloture process, see CRS Report RL30360, *Filibusters and Cloture in the Senate*. Simple resolutions are normally divisible in the Senate (Floyd M. Riddick and Alan S. Frumin, *Riddick's Senate Procedure: Precedents and Practices*, 101st Cong., 2nd sess., S.Doc. 101-28 (Washington: GPO, 1992) (Hereinafter *Riddick's Senate Procedure*), pp. 1205-1206. The decisions reached in September of 2025 might be interpreted to preclude division of the resolution.

⁶ Prior to voting on the motion to invoke cloture, Senate Rule XXII requires the presiding officer to direct the clerk to call the roll in order to establish that a quorum is present. The Senate routinely waives this quorum call by unanimous consent.

⁷ The executive resolution would be subject to amendment while it is pending. A majority could approve germane amendments post-cloture that were filed in advance, as required by Rule XXII. To prevent amendments from being offered during post-cloture time, all amendments permitted could be offered—a process known as “filling the tree”—and left pending until the time expires.

⁸ It is common for unanimous consent agreements to be reached to allow post-cloture time to be consumed when the Senate is not meeting or when it is conducting other business.

⁹ It is not clear whether the motion to proceed must include all nominations identified in the executive resolution, or if it could identify only a portion of them. An attempt to divide the motion at this point might be ruled out of order due to the approval of a resolution permitting consideration *en bloc*.

¹⁰ Prior to voting on the motion to invoke cloture, Senate Rule XXII requires the presiding officer to direct the clerk to call the roll in order to establish that a quorum is present. The Senate routinely waives this quorum call by unanimous consent.

post-cloture period only by unanimous consent. Post-cloture time runs only when the Senate is in session, considering the nominations *en bloc*.¹¹

11. After post-cloture consideration time expires, or when no Senator seeks to discuss the nominations further, the Senate votes on the nominations, *en bloc*. The nominations require a simple majority for approval.¹²

It is common for the Senate to modify the terms of the cloture rule by unanimous consent. These unanimous consent agreements typically reflect the rights of Senators under the cloture rule to debate a matter, while also providing predictability in the Senate schedule. For example, while Rule XXII provides that a cloture vote occurs two session days after the cloture motion is filed, “one hour after the Senate convenes,” the Senate frequently sets the precise time for the vote by unanimous consent. Similarly, while under Rule XXII the post-cloture time only runs when the Senate is in session considering the matter on which cloture was invoked, it is not unusual for the Senate to reach a unanimous consent agreement setting the time for the final vote on the matter at some future point, or providing that the time in recess or adjournment overnight count post-cloture, rather than the Senate actually consuming the post-cloture time in debate on the floor.

Reinterpretation of Senate Rules to Allow Consideration of Nominations *En Bloc*

Brief Overview

To create a process by which the Senate could consider multiple nominations at once, the Senate determined that a resolution providing for consideration of multiple nominations constituted executive business. To allow a group of nominations to reach a confirmation vote in the Senate with a simple majority vote, the Senate subsequently reversed two rulings of the Presiding Officer to lower the cloture threshold from three-fifths of Senators duly chosen and sworn to a simple majority (provided that only specified types of nominations in a certain parliamentary status were included in the group, see **Figure 1**). The procedural steps taken for each of these three decisions are detailed below.

Use of Executive Resolution and Submitted Point of Order, September 8-September 9

On September 8, 2025, the Senate Majority Leader, John Thune, submitted a resolution, S.Res. 377, after being recognized on the Senate floor.¹³ The resolution stated:

¹¹ It is common for unanimous consent agreements to be reached to allow post-cloture time to be consumed when the Senate is not meeting or when it is conducting other business.

¹² When a nomination is confirmed, the motion to reconsider the confirmation vote is routinely, by unanimous consent, considered made and laid upon the table. This final parliamentary step prevents the possibility of a re-vote on the nomination and immediately returns the approved nomination to the President. Absent unanimous consent to table the motion to reconsider, a majority of the Senate could immediately vote to table the motion to reconsider if it were offered.

¹³ In current practice, most bills, joint resolutions, concurrent resolutions, and simple resolutions are formally proposed by being handed to a Clerk; in other words, a Senator does not need to be recognized on the floor to “introduce” a bill or joint resolution or to “submit” a concurrent or simple resolution. Senators can, however, introduce or submit after being recognized on the floor, and they usually do so when they intend to take steps to prevent referral of the legislation (continued...)

Resolved, That it shall be in order to move to proceed to the en bloc consideration of the following nominations on the Executive Calendar:

The resolution then listed 48 nominations, identifying them by Executive Calendar Number, name, and position.

Senator Thune asked unanimous consent that the Senate immediately consider the resolution, and objected to his own request.¹⁴ This objection resulted in the resolution lying over for one day, which is required by Senate Rule XIV. The resolution was placed on the Executive Calendar in the status of “over, under the rule.”

The next day, the Majority Leader moved to enter executive session to take up the executive resolution. Under the interpretation of a precedent established in 1980, the motion to enter executive session to take up an executive resolution is not debatable.¹⁵

The Senate Minority Leader, Chuck Schumer, made a point of order:

that a motion to proceed to Executive Calendar No. 1, S. Res. 377, is not in order because legislation that provides for en bloc consideration of individual nominations on the Executive Calendar is legislative business; therefore, such a resolution should be required to be considered in legislative session.¹⁶

Senator Schumer raised the point of order to indicate that he believed S.Res. 377 was not a proper executive resolution. If a resolution providing for *en bloc* consideration of nominations was not an executive resolution, then a simple majority could not agree to take it up. To consider a resolution such as S.Res. 377 if it was legislative business, not executive business, would have effectively required that the committee of jurisdiction report it.¹⁷ In addition, the Senate would need to invoke cloture—with the support of three-fifths of the Senate—on a motion to proceed to it, because it would be on the Legislative Calendar.¹⁸

The presiding officer responded to the point of order by stating that the Senate had not previously considered the question.¹⁹ The presiding officer therefore submitted the question to the Senate:

to committee. For more information on this process for bills and joint resolutions, see CRS Report RS22309, *Senate Rule XIV Procedure for Placing Measures Directly on the Senate Calendar*. The process for concurrent and simple resolutions is similar to the process for bills and joint resolutions, but results in the legislation being placed in a different status on the Calendar.

¹⁴ *Congressional Record*, daily edition, vol. 171 (September 8, 2025), p. S6398.

¹⁵ For a description of the actions taken in 1980 with respect to motions to enter executive session to consider a specific nomination, see Floyd M. Riddick and Alan S. Frumin, *Riddick's Senate Procedure: Precedents and Practices*, 101st Cong., 2nd sess., S.Doc. 101-28 (Washington: GPO, 1992) (Hereinafter *Riddick's Senate Procedure*), pp. 941-3. See also 1962 parliamentary inquiries when the presiding officer indicated that if the Senate agreed to a motion to enter executive session, any resolution to discharge that had gone over, under the rule, would “be laid before the Senate during that session for consideration” (*Congressional Record*, vol. 108 (September 7, 1962), p. 18826).

¹⁶ *Congressional Record*, daily edition, vol. 171 (September 9, 2025), p. S6461.

¹⁷ An objection to the immediate consideration of a resolution that is not an executive resolution would place it “over, under the rule” on the Senate Legislative Calendar. Generally speaking, there is no practical way for a simple majority to agree to take up a simple resolution that has gone over, under the rule and been placed on Legislative Calendar. Therefore, a committee would need to report the measure so that it would be eligible to be taken up through a motion to proceed.

¹⁸ The precedent, established in 1980, that there can be a nondebatable motion to enter executive session and take up a particular item of business applies only to executive business. A motion to proceed to an item on the Legislative Calendar is debatable, and cloture (requiring the support of three-fifths of the Senate) therefore could be necessary to reach a vote on the motion to proceed.

¹⁹ CRS has not identified any previous resolutions providing for the *en bloc* consideration of nominations. Few (continued...)

Is a resolution for the en bloc consideration of specific nominations on the Executive Calendar required to be considered in legislative session?²⁰

The submitted point of order might have been subject to debate, but the Majority Leader moved to table the point of order. The motion to table is not debatable, and it permanently and adversely disposes of a question; tabling a submitted point of order has the effect of determining that the point of order is not well taken.²¹ The Senate agreed to the motion to table, 53-46.²²

By tabling the point of order, the Senate decided that simple resolutions such as S.Res. 377 are executive resolutions. As a result, they can be placed directly on the Executive Calendar and be taken up by a simple majority with a non-debatable motion to proceed.

Reversal of a Ruling of the Chair that Cloture on the Executive Resolution Required the Support of 3/5ths of the Senate, September 11

Immediately after disposing of the point of order that S.Res. 377 should be considered in legislative session on September 9, the Senate voted on the motion to proceed to executive session to take up the resolution. That motion was agreed to, 53-45.²³ The Majority Leader then filed cloture on the executive resolution, and the Senate agreed to proceed to legislative session by voice vote.

Pursuant to Senate Rule XXII, the vote on the cloture motion on the executive resolution occurred two days of session later, on September 11, one hour after the Senate convened. The cloture motion was rejected, 52 to 47, having failed to achieve the required three-fifths support of the Senate (60 Senators).²⁴

Senator Thune immediately moved to reconsider the vote. The motion to reconsider allows the Senate to decide to vote again on a question, and is nondebatable when moved on a nondebatable question (such as cloture). Moving to reconsider the failed cloture vote in this case set up a nondebatable posture in which a majority could reinterpret Senate rules.²⁵ (For further explanation, see **Figure 3**).²⁶

executive resolutions had been submitted in the previous 30 years. Those submitted in relation to nominations included four to discharge a committee from consideration of a nomination in the 108th Congress (S.Res. 192, S.Res. 193, S.Res. 194, and S.Res. 195) and one to discharge in the 101st Congress (S.Res. 166). In the 98th Congress, one submitted executive resolution expressed “the advice of the Senate to the President relative” to a nomination (S.Res. 277), and another expressed the recommendation of a committee that was not referred the nomination that the Senate confirm the nomination (S.Res. 32).

²⁰ *Congressional Record*, daily edition, vol. 171 (September 9, 2025), p. S6461.

²¹ For more information on disposition of points of order, see CRS Report 98-306, *Points of Order, Rulings, and Appeals in the Senate*. For a discussion of the use of tabling submitted points of order in the context of attempts to change Senate procedures, see Archived CRS Report RL32843, “*Entrenchment*” of Senate Procedure and the “Nuclear Option” for Change: Possible Proceedings and Their Implications,” March 28, 2005.

²² *Congressional Record*, daily edition, vol. 171 (September 9, 2025), p. S6461.

²³ *Congressional Record*, daily edition, vol. 171 (September 9, 2025), p. 6462. On September 10, 2025, Senator Thune filed two amendments to S.Res. 377 that were not offered, SA3847 and SA3848.

²⁴ *Congressional Record*, daily edition, vol. 171 (September 11, 2025), p. S6565. Senator Thune voted no on the cloture motion for the purpose of being able to move to reconsider the vote. Only a Senator who votes on the prevailing side of a question—in this case, voting against the cloture motion that failed—can move to reconsider a vote.

²⁵ *Riddick's Senate Procedure*, p. 770.

²⁶ These were the procedural steps taken in 2013 when the Senate lowered the cloture threshold on nominations other (continued...)

After a brief debate—permitted by unanimous consent—concerning an effort to reach bipartisan agreement on a resolution establishing procedures for the consideration of nominations *en bloc*, the Senate voted to reconsider the failed cloture vote, 52-45.²⁷

After the Senate had agreed to reconsider the cloture vote, but just before the cloture vote, Senator Thune made a point of order that:

the threshold for cloture on an executive resolution for the en bloc consideration of nominations with a calendar number on the Executive Calendar, other than those on level 1 of the executive schedule under 5 U.S.C. 5312 or article III judges, is a simple majority.²⁸

The presiding officer ruled that the November 21, 2013, precedent that had lowered the cloture threshold on nominations, applied only to the consideration of a single nomination, “not to multiple nominations and not to executive resolutions of any kind.”²⁹ The point of order, therefore, was not well taken.

The Majority Leader appealed the ruling of the chair. Because the Senate had just agreed to a nondebatable motion to reconsider, and was about to vote on the nondebatable cloture motion, the appeal was not subject to debate. The Senate voted 45-53 on the question, “Shall the decision of the chair stand as the judgment of the Senate.”³⁰ As a result, the decision of the presiding officer was reversed, and the Senate established a new precedent that the cloture threshold for executive resolutions providing for *en bloc* consideration of all-but-the-highest ranked executive branch nominations was reduced from three-fifths to a simple majority.

The Senate, having already voted to reconsider the cloture vote, then voted on cloture on S.Res. 377 for the second time. The vote was 53-43, and pursuant to the precedent just set, cloture was invoked. The successful cloture motion limited further consideration of S.Res. 377 to a maximum of 30 hours. Under Senate Rules, the post-cloture time runs only when the Senate is in session and the matter on which cloture was invoked is under consideration. On September 11, however, the Senate agreed by unanimous consent that all post-cloture time expire at 5:30 p.m. on September 15.³¹

than to the Supreme Court. If Senator Thune had made a point of order immediately after the results of the cloture vote were announced, and appealed the ruling of the presiding officer that the point of order was not well taken, the appeal would have been subject to filibuster (and required a cloture process and three-fifths support to reach a vote) (See Figure 3.). See also CRS Report R43331, *Majority Cloture for Nominations: Implications and the “Nuclear” Proceedings of November 21, 2013*. The procedural steps were repeated in 2017 to apply the lower cloture threshold to all nominations, see CRS Report R44819, *Senate Proceedings Establishing Majority Cloture for Supreme Court Nominations: In Brief*.

²⁷ *Congressional Record*, daily edition, vol. 171 (September 11, 2025), pp. 6567-8

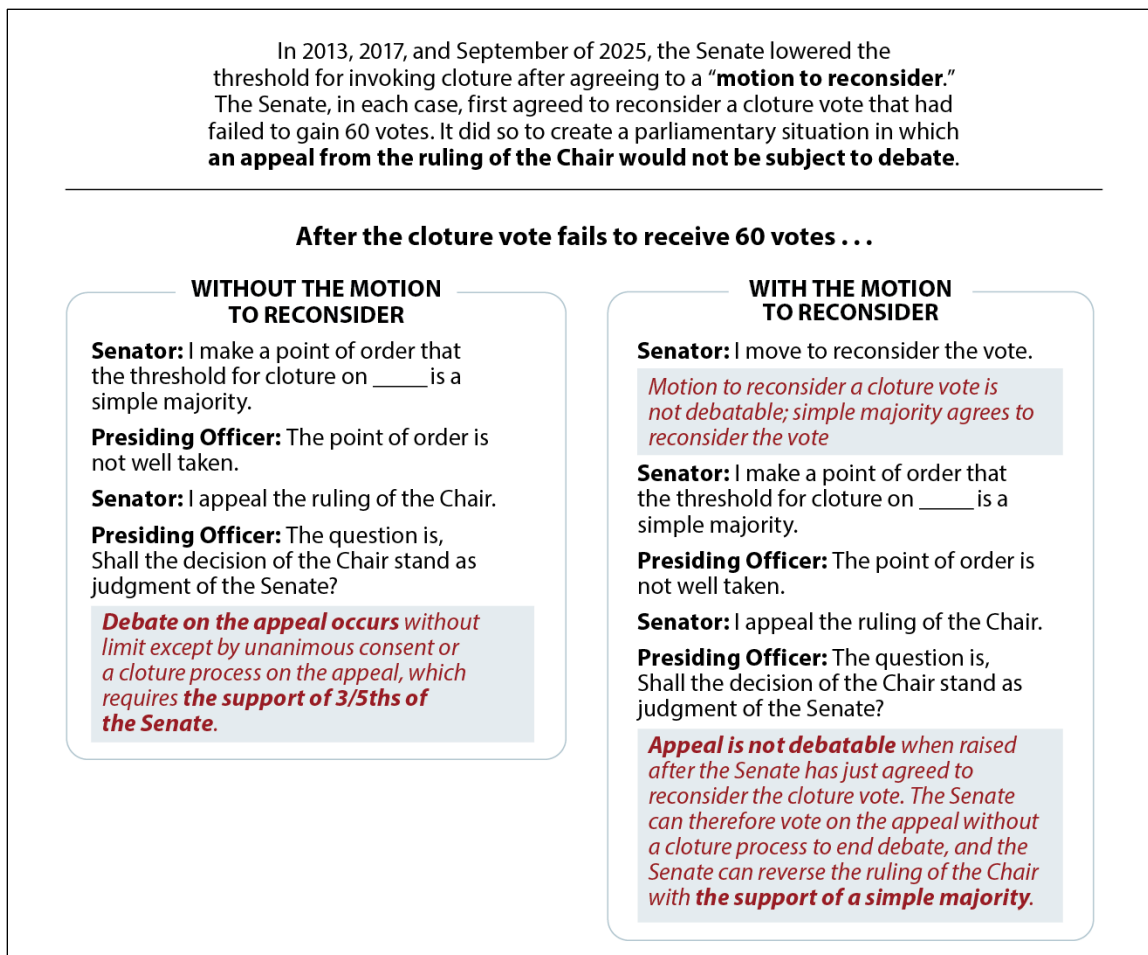
²⁸ *Congressional Record*, daily edition, vol. 171 (September 11, 2025), p. S6568.

²⁹ *Congressional Record*, daily edition, vol. 171 (September 11, 2025), p. S6568.

³⁰ *Congressional Record*, daily edition, vol. 171 (September 11, 2025), p. S6568.

³¹ *Congressional Record*, daily edition, vol. 171 (September 11, 2025), p. S6583

Figure 3. Why the Motion to Reconsider?



Source: Figure developed by CRS; Riddick's *Senate Procedure*, p. 1450; see CRS Report 98-306, *Points of Order, Rulings, and Appeals in the Senate* for citations to Senate precedents concerning when appeals are debatable. Graphic design by Amber Wilhelm.

Reversal of a Ruling of the Chair that Cloture on the Nominations Being Considered *En Bloc* Required the Support of 3/5ths of the Senate, September 17

On September 15, at the time established by the unanimous consent agreement reached the previous week, the Senate voted to approve S.Res. 377, 51-44. The Majority Leader later moved "to proceed to executive session to consider the en bloc nominations listed in S.Res. 377."³² The motion was not debatable and was agreed to by voice vote.³³ The Clerk reported the nominations to the Senate, reading each of the 48 nominations included in the *en bloc*.

³² *Congressional Record*, daily edition, vol. 171 (September 15, 2025), p. S6595.

³³ A motion to proceed to executive session to consider a specified nomination is not subject to debate pursuant to a precedent established in 1980. S.Res. 377 authorized a motion to proceed to consider multiple nominations, and the motion to enter executive session to consider the nominations *en bloc* presumably was not subject to debate due to the 1980 precedent.

The Majority Leader then filed cloture on the 48 nominations, *en bloc*.³⁴ Pursuant to Rule XXII, the cloture vote occurred two days of session later, on September 17, one hour after the Senate convened. Cloture was not invoked, 51-48, three-fifths of the Senate not having voted in the affirmative.³⁵

The Senate then repeated the steps necessary to appeal a ruling of the presiding officer in a nondebatable posture (see **Figure 3**). Senator Thune moved to reconsider the cloture vote, and that nondebatable motion was agreed to, 51-47. He then made a point of order that:

the threshold for cloture on the en bloc consideration of nominations pursuant to an executive resolution with a calendar number on the Executive Calendar, other than those on level 1 of the executive schedule under 5 U.S.C. 5312 or article III judges, is a simple majority.³⁶

The presiding officer ruled the point of order was not well taken, because previous decisions of the Senate lowering the cloture threshold did not apply to the consideration of nominations *en bloc*. Senator Thune appealed the ruling. The appeal was not debatable because it was made after the non-debatable motion to reconsider and before the non-debatable cloture motion. On the question, “Shall the decision of the Chair stand as the judgment of the Senate?” the vote was 47-52, and the decision of the chair was reversed.

The Senate then voted again on the cloture motion (on the nominations *en bloc*) that it had agreed to reconsider. This vote was 52-47 and, pursuant to the precedent just set, cloture was successfully invoked. The presiding officer announced, “Cloture having been invoked pursuant to the provisions of S.Res. 377, the nominations listed therein are pending en bloc.”³⁷

Under Senate Rule XXII, further consideration of the nominations *en bloc* was limited to a maximum of 30 hours. At the conclusion of the day, the Senate agreed, by unanimous consent, that all time during recess and leader remarks count post-cloture on the nominations *en bloc*.³⁸ The Senate voted on the nominations *en bloc* when no Senator sought to debate them further on September 18, 2025.³⁹

Consideration of Nominations *En Bloc*: Some Possible Implications

The establishment of a process to consider nominations *en bloc* could impact certain routines and practices of the Senate. Specifically, there may be an increase in recorded votes conducted by committees since proper reporting becomes necessary to protect the consideration of *en bloc* packages on the floor. In addition, Senators, committees, and staff might alter how they negotiate

³⁴ *Congressional Record*, daily edition, vol. 171 (September 15, 2025), p. S6596. S.Res. 377 authorized a motion to proceed to the *en bloc* consideration of the specified nominations. It appears that by agreeing to proceed to consider the nominations *en bloc*, all further procedural actions could be taken *en bloc*, including the filing of a cloture motion, the vote to confirm, and, after confirmation, the vote to reconsider the vote to confirm the nominations. After agreeing to consider the nominations *en bloc*, it might not be in order to demand a division of the question, such that each nomination could be considered separately.

³⁵ *Congressional Record*, daily edition, vol. 171 (September 17, 2025), p. S6670. Senator Thune voted no because he planned to move to reconsider the vote but needed to vote with the prevailing side to do so.

³⁶ *Congressional Record*, daily edition, vol. 171 (September 17, 2025), p. S6671.

³⁷ *Congressional Record*, daily edition, vol. 171 (September 17, 2025), p. S6671.

³⁸ *Congressional Record*, daily edition, vol. 171 (September 17, 2025), p. S6700.

³⁹ *Congressional Record*, daily edition, vol. 171 (September 18, 2025), p. S6719.

large packages of nominations to determine which will be processed individually or *en bloc*. Finally, the Senate floor schedule, including the number and timing of roll call votes, will likely be impacted.

Potential Increase in Committee Recorded Votes

In the days leading up to the Senate’s initial consideration of nominations *en bloc*, rare procedural actions occurred on the floor. Points of order were raised against nominations for being improperly reported to the Senate.⁴⁰ Prior to that happening, Senator Chuck Grassley, chairman of the Judiciary Committee, spoke on the floor about his committee’s longstanding practice when reporting nominations with bipartisan support:

The Senate Judiciary Committee—in that committee, it is common practice to report certain nominees by voice vote. We have been doing it for decades—particularly for noncontroversial U.S. attorneys and U.S. marshal nominees. Under my chairmanship, we only conduct voice votes with explicit consent of the ranking member, and we don’t do them if there are any objections to doing so.⁴¹

Chairman Grassley went on to ask unanimous consent that no point of order lie with respect to certain nominations that had been reported “by voice vote pursuant to explicit agreement between the offices of the chairman and ranking member.”⁴² Objection was heard, and later that day, steps were taken to raise points of order against 10 U.S. attorney nominations for not being properly reported.⁴³

Why did this happen? As Chairman Grassley discussed on the floor, many committees routinely engage in the practice of reporting legislation and nominations by voice vote when there is bipartisan agreement to do so. However, Senate Rule XXVI, paragraph 7(a)(3) requires “the concurrence of a majority of the members of the committee who are present” when voting to report any measure or matter. Proof of compliance with this rule is readily established by a recorded vote that demonstrates a majority of committee members were present and voting in favor on the motion to report. In contrast, a voice vote—the favored method of reporting by many committees—does not demonstrate the presence of a majority of the committee, and business reported this way is potentially subject to a point of order on the floor.

One day later, on September 9, 2025, 22 additional nominations were returned to the Foreign Relations Committee, and one to the Commerce, Science, and Transportation Committee, after points of order were raised that they were improperly reported. Most of the nominations in question had also been ordered reported by voice vote, but some were subject to roll call votes

⁴⁰ Before these actions, the last point of order recorded in published Senate precedents concerning a matter being reported without a majority present was in 1987. (*Riddick’s Senate Procedure*, p. 1198; *Congressional Record*, daily edition, vol. 133 (May 15, 1987), p. S6553.)

⁴¹ *Congressional Record*, daily edition, vol. 171 (September 8, 2025), p. S6396.

⁴² *Congressional Record*, daily edition, vol. 171 (September 8, 2025), p. S6396.

⁴³ *Congressional Record*, daily edition, vol. 171 (September 9, 2025), pp. S6505-S6507. These nominations were returned on points of order made by a Senator apparently acting as the designee of the majority leader in order to send them back to committee where they could then be reported again, but now in compliance with Senate rules. Once properly reported, the nominations were not subject to a similar point of order during floor consideration. Said another way, the majority party wanted to take up these nominations under the new *en bloc* process but knew they could be subject to a point of order that would prevent floor consideration. To prevent that outcome, the majority party took procedural steps that allowed the committees of jurisdiction to re-report these nominations in a way that they would be protected from procedural disruption on the floor.

where aye votes cast by proxy made the difference in successfully reporting the nomination.⁴⁴ To properly report a matter, committee members physically present and voting in favor of the motion to report must outnumber all no votes (including noes by proxy).⁴⁵

Individual Senators who oppose certain nominations being taken up *en bloc* could potentially raise points of order on the floor against improperly reported nominations. Although it has not yet occurred, it is possible that a point of order against a single improperly reported nomination could have the effect of killing the consideration of an executive resolution or an *en bloc* package of nominations if contained therein. To preclude the disruption of processing nominations *en bloc* in this way, committees might report all executive business by recorded vote, and the presence of Senators in favor of the nomination might be required.⁴⁶ This could mean more time spent voting in committees and a departure from the longstanding practice of voice votes by many committees.

Possible Changes to Negotiations Over Packages of Nominations

The Senate, prior to the 119th Congress, routinely approved multiple nominations at once on the floor by unanimous consent. These packages of nominations were negotiated in advance of floor consideration. Sometimes, the nominations considered this way had been reported by the committee of jurisdiction; in other cases the committee of jurisdiction had agreed to be discharged from consideration of the nominations by unanimous consent, negating the need that the committee meet in public session with a majority present to vote to report. Negotiations concerning confirmation necessarily included minority party Senators on the committee of jurisdiction. Before floor action on the nominations, the unanimous consent request to confirm the nominations *en bloc* was likely run on each party's hotline to all Senators. Because unanimous consent was necessary to consider nominations *en bloc*, and the Senate has so many nominations to consider each Congress, Senators would sometimes indicate that they would object to confirming a nomination (known as a hold) or to a group of nominations (referred to as a blanket hold).⁴⁷

Under the new process, the nominations to be considered *en bloc* will still need to be negotiated, but those negotiations will no longer need to result in the agreement by all 100 Senators. The majority party can develop packages of nominations, and the process for doing so—presumably involving the committees of jurisdiction—will vary from the earlier practice that required unanimous consent.

An informal method might be developed to allow Senators to indicate if they would prefer that a nomination be considered individually, instead of as part of a package. A Senator might, for example, wish to vote against one nomination but in favor of the others, and therefore desire

⁴⁴ U.S. Senate Committee on Foreign Relations, Transcripts, “Business Meeting, April 30, 2025;” “Business Meeting, May 15, 2025;” “Business Meeting, June 18, 2025;” “Business Meeting, July 16, 2025;” “Business Meeting, July 24, 2025;” Business Meeting, July 39, 2025.” Transcripts available on the website of the Senate Committee on Foreign Relations, <https://www.foreign.senate.gov/activities-and-reports/business-meeting-transcripts>

⁴⁵ For more information, see “The ‘Cleansing Clause’ or ‘Cleanup Provision’” section of CRS Report R48298, *The Committee Markup Process in the Senate*.

⁴⁶ For example, on September 17, 2025, the Senate Foreign Relations Committee met and voted to order reported three groups of nominations. The first roll call vote was to report 13 nominations *en bloc*; the second roll call vote was to report 6 nominations *en bloc*; and the third roll call vote was to report 12 nominations *en bloc*. Twenty-one of these nominations were those that had previously been reported by voice vote and returned to the committee after a point of order was raised against them on September 9. (U.S. Senate Committee on Foreign Relations, “Business Meeting, Wednesday, September 17, 2025,” Transcript. Available on the website of the Senate Committee on Foreign Relations, <https://www.foreign.senate.gov/activities-and-reports/business-meeting-transcripts>.)

⁴⁷ For more information, see CRS Insight IN12200, *Holds on Nominations*.

separate consideration of that nomination. Or a Senator might wish for a certain nomination to receive a public roll call vote in order to demonstrate broad bipartisan support for the nomination—an outcome that could be more difficult to achieve if the vote is on an *en bloc* package since Senators might oppose other nominations in the group, and therefore vote against it.

Presumably, committee and party leadership would prefer to know of any requests for separate consideration in advance of proposing the executive resolution. Alternatively, during floor consideration, amendments could be offered to the executive resolution striking nominations from the list. It is not clear, under the current procedures, if the Majority Leader must propose to proceed to consider all the nominations identified in an executive resolution *en bloc*. If not, then the time required for a cloture process on the executive resolution could be used to identify any nominations that Senators would like to have excluded from the second step of actual consideration.

Impact on Number of Roll Call Votes and Floor Schedule

The process for considering nominations changed considerably after the Senate reinterpreted its rules in November of 2013 to lower the cloture threshold for nominations (except to the Supreme Court). When the President was of the same party as the majority party in the Senate, the number of floor votes taken in relation to nominations increased significantly.⁴⁸ Prior to the 2013 change, the vast majority of nominations were confirmed without a roll call vote.⁴⁹ After the change, that proportion dropped, reaching a low of 37% in the 118th Congress (2023-2024).⁵⁰ In the 119th Congress (2025-2026), no nomination had been confirmed without a roll call vote through September of 2025 (when the Senate established the new process for considering nominations *en bloc*).

Compared to the first nine months of the 119th Congress at least, one impact of the option to consider nominations *en bloc* will presumably be fewer roll call votes cast in relation to nominations. The number of roll call votes cast going forward, however, are unlikely to be as low as they were prior to the first reinterpretation of the cloture rule in 2013. As explained above, judicial nominations are not eligible for consideration *en bloc*.⁵¹ In addition, nominations that in previous Congresses were confirmed *en bloc* by unanimous consent might now be considered *en bloc* through the new process with multiple roll call votes.⁵²

⁴⁸ CRS Testimony TE10106, *Senate Procedures to Confirm Nominees*, “Table 2. Roll Call Votes in Relation to Nominations.”

⁴⁹ For example, from the 108th (2003-2004) to the 112th (2011-2012) Congresses, an average of 90.8% of confirmed nominations were confirmed without a roll call vote.

⁵⁰ In the 118th Congress, 134 out of 358 confirmed civilian nominations were confirmed without a roll call vote (37.4%). For earlier Congresses see CRS Testimony TE10106, *Senate Procedures to Confirm Nominees*, “Table 1. Number of Confirmed Civilian Nominations, With and Without Roll Call Vote.”

⁵¹ In the 117th Congress (2021-2022), the Senate took 194 roll call votes in relation to Article III judicial nominations; in the 118th Congress (2023-2024) it took 279 roll call votes in relation to Article III judicial nominations. For a discussion of the impact of the 2013 reinterpretation of Rule XXII on consideration of U.S. Circuit and District Court Nominations, see the section, “Procedural Track Taken to Reach Confirmations—Past and Current Practice,” in CRS Report R43762, *The Appointment Process for U.S. Circuit and District Court Nominations: An Overview*.

⁵² In addition to a roll call vote on cloture on an executive resolution and on cloture on the nominations, *en bloc*, the executive resolution and the nominations, *en bloc*, themselves could be subject to roll call votes. Additional roll call votes are also possible, such as, for example, on the question of taking up the executive resolution and taking up the nominations *en bloc*.

In terms of the impact of the change on the floor schedule, there are now three different cloture processes for nominations—each with different timelines for floor action—and the confirmation process will now include decisions about which cloture process to use. There are currently three main scenarios by which nominations are likely to be taken up on the floor of the Senate:

1. “Stacked cloture motions” to confirm several individual nominations, each subject to two hours of post-cloture consideration, in one day;⁵³
2. Single nomination floor process, particularly for nominations subject to 30 hours of post-cloture consideration; or,
3. *En bloc* consideration of a package of nominees, which will likely include two cloture processes, each subject to up to 30 hours of post-cloture consideration.

The Senate will need to make use of all three of these procedural pathways when unanimous consent cannot be achieved. Most judicial nominations cannot be taken up *en bloc* and are subject to varying post-cloture periods of consideration. Supreme Court and Circuit Court nominations are subject to 30 hours of post-cloture consideration and will likely continue to be taken up individually. District Court nominations are subject to only 2-hours of post-cloture consideration and each could be taken up under a single floor process or as part of a series of stacked cloture motions.

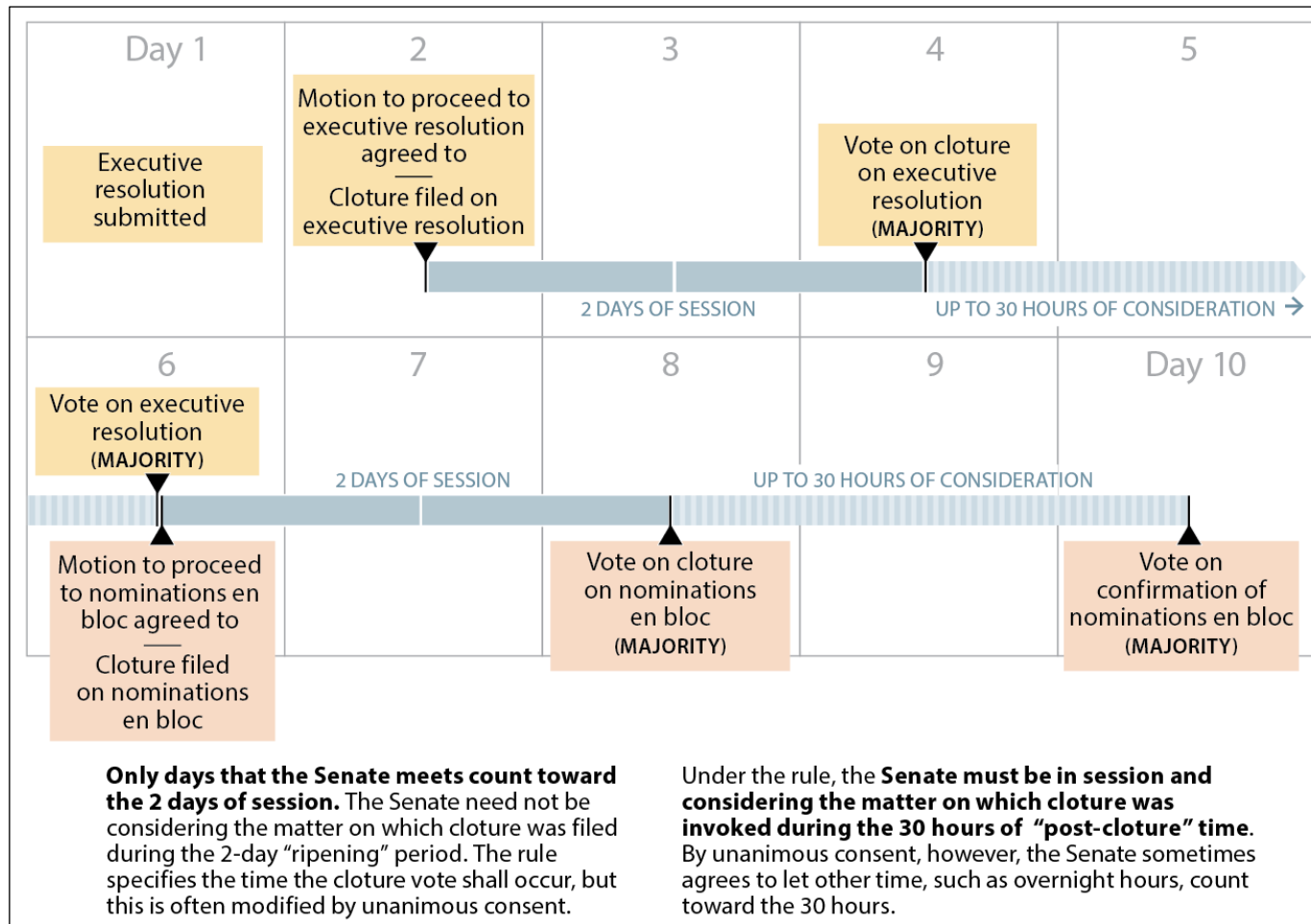
For nominations that do qualify for *en bloc* consideration, Senate leadership now has a number of considerations when determining which floor process to use for confirmation. The procedural pathways listed above effectively create the option to either confirm smaller numbers of nominations quickly but with a greater number of floor votes (“stacked cloture motions”) or confirm larger numbers of nominations over a longer period of time with less floor votes necessary. Furthermore, when contemplating the use of an *en bloc* process, there may be strategic considerations for delaying the consideration of nominations until a sufficient number are pending on the Executive Calendar to warrant proceeding with them in an *en bloc* package. As a result, it could be possible that new scheduling norms develop over time whereby an *en bloc* package is routinely taken up on the floor every several weeks or months to confirm all eligible pending nominations on the Executive Calendar.

Using stacked cloture motions, as was routinely the case prior to the *en bloc* reinterpretation, allows the Senate to confirm nominations two calendar days of session after cloture is filed. However, each nomination in the “stack” results in two floor votes occurring (two hours apart, unless the procedure is modified by unanimous consent). This can lead to Senators needing to come to the floor to cast votes every two hours throughout the day. As seen below, in **Figure A-2**, filing cloture on three nominations results in six procedural votes occurring every two hours over the course of six hours. This schedule may be inconvenient and undesirable for Senators even if it allows for expedient confirmation. (Altering the timing of votes under the rules can be achieved by unanimous consent, though any one Senator in opposition to the pending nominations could prevent this by objecting). In contrast, an *en bloc* package—which could contain dozens or even hundreds of nominations—will routinely require four procedural votes, potentially spread out over upwards of 10 days. (See **Figure A-1**.) Going forward, with multiple viable floor paths available for processing nominations, the Senate retains some flexibility in how it chooses to pursue confirmation.

⁵³ For a description of this process, see the section, “Stacked Cloture Motions” in CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*.

Appendix.

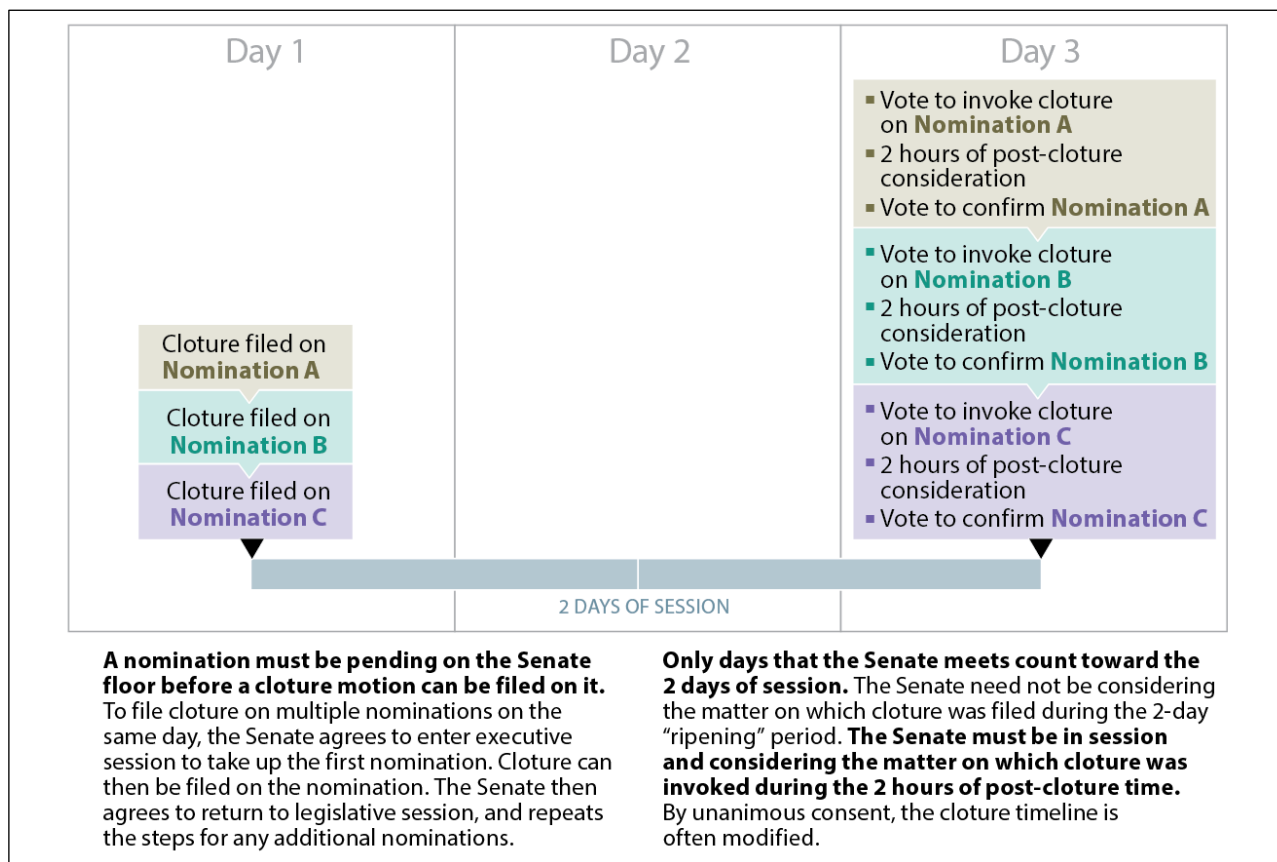
Figure A-1. Cloture Timeline: Considering Nominations *En Bloc*



Source: Figure developed by CRS to illustrate cloture procedure discussed more fully (and with references to relevant standing rules and precedents) in the text of this report. Graphic design by Amber Wilhelm.

Figure A-2. “Stacked” Cloture Timeline on Nominations Subject to Two Hours Post-Cloture Consideration

Example of cloture filed individually on three nominations



Source: Figure developed by CRS to illustrate cloture procedure discussed more fully (and with references to relevant standing rules and precedents) in the text of this report. Graphic design by Amber Wilhelm.

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