



Cloture Attempts on Nominations

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March 9, 2012

Congressional Research Service

7-5700

www.crs.gov

RL32878

CRS Report for Congress

Prepared for Members and Committees of Congress

Summary

Cloture is the only means by which the Senate can vote to limit debate on a matter, and thereby overcome a possible filibuster. It would be erroneous, however, to assume that cases in which cloture is sought are the same as those in which a filibuster occurs. Cloture may be sought when no filibuster is taking place, and filibusters may occur without cloture being sought.

Until 1949, cloture could not be invoked on nominations, and before 1980 this action was attempted only twice. From the 96th Congress (1979-1980) through the 102nd (1991-1992), cloture was never sought on more than three nominations in a single Congress, but in four of the nine Congresses since then a dozen or more nominations were subjected to cloture attempts.

From 1949 through 2010, cloture was sought on 89 nominations, and invoked on 41. The Senate voted to reject cloture on 22 of the remaining 48 nominations, and on the final 26 nominations no cloture motion received a vote. Eighteen of the 89 nominees failed of confirmation, and 11 of these 18 were considered during the 108th Congress (2003-2004). In the 103rd Congress (1993-1994), the 109th Congress (2005-2006), and the 111th Congress (2009-2010) most of the cloture attempts were to executive branch nominations, but in all other Congresses nominations to the federal bench predominated.

Cloture has been sought on four nominations to the Supreme Court. In 1968, a cloture vote on the motion to proceed to consider the nomination of Abe Fortas to be Chief Justice failed. In 1971, when he was first appointed to the court, and again in 1986 when he was nominated to be Chief Justice, opponents of William H. Rehnquist mounted a filibuster. Though the cloture vote in 1971 was unsuccessful, Rehnquist was confirmed to the court; in 1986, the cloture vote was successful. In 2006, the Senate successfully invoked cloture on the nomination of Samuel A. Alito, Jr., to be an associate justice on the Supreme Court.

The report includes a list of all nominations on which cloture was attempted in past Congresses, showing the outcome of the cloture attempt and the final disposition of the nomination. Similar data for the 112th Congress appear in the Appendix. The tables in the body of the report do not cover actions in the 112th Congress. This report, including the tables in the body, is to be updated after each Congress in which additional nominations are subjected to cloture attempts.

Filibusters and cloture are discussed more generally in CRS Report RL30360, *Filibusters and Cloture in the Senate*, by Richard S. Beth, Valerie Heitshusen, and Betsy Palmer. The process by which the Senate considers nominations is discussed more generally in CRS Report RL31980, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, by Elizabeth Rybicki, and CRS Report RL31948, *Evolution of the Senate's Role in the Nomination and Confirmation Process: A Brief History*, by Betsy Palmer.

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Cloture, Filibusters, and How They Differ

Senate Rules place no general limits on how long consideration of a nomination (or most other matters) may last. Owing to this lack of general time limits, opponents of a nomination may be able to use extended debate or other delaying actions to prevent a final vote from occurring. Although a voting majority of Senators may be prepared to vote for a nominee, the nomination cannot be confirmed as long as other Senators, presumably a voting minority, are able to prevent the vote from occurring. The use of debate and procedural actions for the purpose of preventing or delaying a vote is a filibuster.

The motion for cloture is the only procedure by which the Senate can vote to place time limits on its consideration of a matter. It is, therefore, the Senate's most usual means of attempting to overcome a filibuster. When the Senate adopts a cloture motion on a matter, known as "invoking cloture," further consideration of the matter is limited to 30 hours.¹ By invoking cloture, the Senate may be able to ensure that a question will ultimately come to a vote, and can be decided by a voting majority.

The cloture rule permits Senators to move for cloture repeatedly, if necessary. The Senate, however, can impose the constraints of cloture only by a super-majority vote. For most matters, including nominations, three-fifths of the full Senate, normally 60 votes, is required to invoke cloture. As a result, even if a majority of Senators support a nomination, opponents may still be able to prevent a vote on it by defeating any attempt to invoke cloture. Although the nomination itself can always be approved by a simple majority of Senators present and voting, the support of a super-majority may be required to limit consideration and enable the Senate to reach a vote.

While cloture affords the Senate a means of overcoming a filibuster, it is erroneous to assume that cases in which cloture is sought are always the same as those in which a filibuster occurs. Cloture may be sought when no filibuster is taking place, and filibusters may occur without cloture being sought. The reason is that cloture is sought by supporters of a matter, while filibusters are conducted by its opponents. Leaders of the majority party, or other supporters, may move for cloture even when opponents do not assert that they are attempting a filibuster, or when no extended debate or delaying actions have actually occurred. They may do so in response to a threat or perceived threat of a filibuster, or simply in an effort to speed action.

It is also possible for opponents of a matter to engage in a filibuster without supporters deciding to move for cloture. Supporters may refrain either because they think they lack the votes to obtain cloture, because they believe they can overcome any delaying actions and reach a vote without cloture, or because they hope to resolve the matter in dispute by some negotiated accommodation. This situation may be less common today, but does seem to have occurred in relation to nominations in earlier times.

If cloture is not an automatic indicator of a filibuster, neither is any other specific procedural action. A filibuster is a matter of intent; any course of action by opponents of a matter may be a

¹ Senate Rule XXII, paragraph 2. U.S. Senate, Committee on Rules and Administration, *Senate Manual, Containing the Standing Rules, Orders, Laws, and Resolutions Affecting the Business of the United States Senate*, S.Doc. 110-1, 110th Cong., 2nd sess., prepared by Matthew McGowan under the direction of Howard Gantman, Staff Director (Washington: GPO, 2008), sec. 22.2. During the 30 hours, no single Senator, other than the party floor leaders, the managers of the debate, or Senators to whom any of these may yield time, may occupy more than one hour in debate.

filibuster if it is undertaken with the purpose of blocking or delaying a vote. Yet any of the procedural actions that might be used to delay or block a vote might also be used for other purposes. As a result, filibusters cannot simply be identified by explicit or uniform criteria, and there is no commonly accepted set of criteria for doing so. Instead, determining whether a filibuster is occurring in any specific case typically requires a degree of subjective judgment.

For these reasons, it would be a misuse of the following data, identifying nominations on which cloture was sought, to treat them as identifying nominations subjected to filibuster. It would equally be a misinterpretation to assume that all nominations on which cloture was not sought were not filibustered (especially for periods before 1949, when it was first made possible to move cloture on nominations, as described in the next section). This report provides data only on nominations on which cloture motions were offered. It is not to be taken as providing systematic data on nominations that were or were not filibustered. It would not be feasible to develop a list of measures filibustered unless a commonly accepted single standard for identifying what constitutes filibustering could first be established.² At most, the data presented here may be regarded as identifying some potentially likely cases in which a filibuster (by some appropriate definition) may have occurred.

Frequency of Cloture Attempts on Nominations

The Senate first adopted a cloture rule in 1917. Until 1949, cloture could be moved only on legislative measures, and nominations could not be subjected to cloture attempts.³ From 1949 through 2010 (81st-111th Congresses), cloture was sought on 89 nominations.⁴ **Table 4**, following the text of this report, identifies the 89 nominations, the number of separate cloture motions filed on each, the ultimate outcome of the cloture attempt in each case, and the disposition of each nomination. Corresponding information on nominations subjected to cloture attempts in the 112th Congress, through March 9, 2012, appears as **Table A-1** in the appendix. The tables and discussion in the body of the report address only full Congresses; they do not cover the nominations in the current Congress that are listed in Table A-1.

As shown by the summary in **Table 1**, the Senate invoked cloture on 41 of the 89 nominations that occurred from 1949 through 2010. On another 26 nominations, cloture motions were offered, but never came to a vote, because the motions fell, were withdrawn or vitiated. On the remaining 22 nominations, the Senate voted against imposing cloture.⁵

² These questions of method are discussed in more detail in Richard S. Beth, "What We Don't Know About Filibusters," paper presented at the annual meeting of the Western Political Science Association, Portland, Ore., March 1995 (available from the author).

³ U.S. Congress, Senate, Committee on Rules and Administration, *Senate Cloture Rule: Limitation of Debate in the Congress of the United States and Legislative History of Paragraph 2 of Rule XXII of the Standing Rules of the United States Senate (Cloture Rule)*, S.Prt. 112-31, prepared by the Congressional Research Service, Library of Congress, 112th Cong., 1st sess. (Washington: GPO, 2011), pp. 17, 20-21, 185-192.

⁴ For these purposes, five State Department nominations considered concurrently are counted as one, and each instance in which a single individual was simultaneously nominated to two positions is counted as one.

⁵ The data include all cloture action in relation to a nomination, whether the motion is offered to close debate on the nomination itself or on a debatable motion to proceed to its consideration (which does not occur in practice after 1980).

Table I. Cloture Attempts and Action on Nominations

Cloture Action	Action on Nomination		Total
	Confirmed	Not confirmed	
Invoked	41	0	41
Rejected	5	17	22
Withdrawn/Vitiated/Fell ^a	25	1	26
Total	71	18	89

Source: Table 4.

a. This category only includes situations in which there was no vote on any cloture motion.

Of the 89 nominations on which cloture was sought, 71 ultimately won confirmation. The 71 nominations confirmed include all 41 on which the Senate invoked cloture and 25 of those on which the Senate did not vote on the cloture motions, as well as five on which the Senate rejected cloture. The remaining 18 nominations were not confirmed, either because the Senate voted to reject cloture or because they did not receive a final vote. On 17 of these nominations, 11 of which occurred in the 108th Congress (2003-2004), the Senate rejected cloture. In the final case, in the 109th Congress (2006-2007), the cloture motion was withdrawn and the nomination was not confirmed.

Before the 108th Congress, only three of the 35 nominations on which cloture was sought were ultimately rejected. These were

- Justice Abe Fortas to be Chief Justice of the United States in 1968;
- Sam Brown to be Ambassador during his tenure as Head of Delegation to the Conference on Security and Cooperation in Europe (CSCE) in 1994; and
- Dr. Henry Foster to be Surgeon General of the United States in 1995.

Historical Development of Cloture Attempts on Nominations

Even after Senate rules began to permit cloture on nominations in 1949, cloture was sought on none until 1968, when a motion to proceed to consider the nomination of Supreme Court Associate Justice Abe Fortas to be Chief Justice was debated at length. After the Senate rejected cloture on the motion to proceed, 45-43, President Lyndon B. Johnson withdrew the nomination at Fortas' request. In 1969 and 1970, the nominations of Clement F. Haynsworth and G. Harrold Carswell to the Supreme Court were defeated after lengthy debate, but no cloture motion was filed on either. When the Senate considered the nomination to the Supreme Court of William H. Rehnquist late in the 1971 session, however, cloture was quickly sought. Though the Senate did not invoke cloture (52-42), the nomination was subsequently confirmed.

In 1975, the majority required for invoking cloture on most matters, including nominations, was changed from two-thirds of Senators present and voting to three-fifths of the full membership of

the Senate (60 votes, assuming no more than one vacancy).⁶ This change in the rules generally meant that the threshold for invoking cloture was lowered; if all 100 Senators participated in the vote, the previous rule required the votes of 67 to invoke cloture, the new rule normally required 60 votes, regardless of how many Senators participated.

Cloture was sought on no other nomination until 1980. That occurrence was the first in which cloture was sought on a nomination to an executive branch position, that of William G. Lubbers to be General Counsel of the National Labor Relations Board. Cloture was invoked, and the nomination was confirmed.

Table 2. Frequency and Success of Cloture Attempts on Nominations, by Time Period, 1949-2010

Congresses and (years)	Nominations on which cloture was:			
	Moved		Invoked	
	Number	Average per Congress	Number	Percent of moved
81 st -89 th (1949-1966)	0	0	0	—
90 th -102 nd (1967-1992)	12	0.9	9	75%
103 rd -111 th (1993-2010)	77	8.6	32	42%

Source: Table 4.

As **Table 2** illustrates, the frequency with which nominations have been subjected to cloture attempts has increased in recent years (a development that reflects the trend in the overall frequency of cloture motions). Before the 103rd Congress, cloture was sought on as many as three nominations only in the 96th Congress (1979-1980) and the 99th Congress (1985-1986). Since then, however, this level has been exceeded five times. Cloture was sought on 12 nominations in the 103rd Congress (1993-1994), five in the 107th (2001-2002), 14 in the 108th (2003-2004), 18 in the 109th Congress (2005-2006) and 21 in the 111th Congress (2009-2010). These five Congresses were also the only ones since 1981 in which the presidency, Senate, and House were all controlled by the same political party.⁷ In addition, the 103rd, 107th and 111th Congresses were each the first of a new presidential administration, so that the number of nominations to be considered was presumably large.

Table 2 also indicates that, although the frequency of nominations with cloture attempts has increased, the frequency with which cloture has succeeded has decreased. This pattern appears to suggest that in recent Congresses, cloture has been sought even when it is unlikely to be invoked. This shift was evident especially in the 103rd Congress, when cloture was successfully invoked on only four of the 12 nominations where attempted, and in the 108th Congress, when it was invoked on none of the 14 nominations on which it was attempted. In other Congresses, the proportion of nominations with cloture attempts on which cloture succeeded has generally been much higher.

In the 108th Congress (2003-2004), the pattern of Senate action on nominations on which cloture was sought displayed several distinctive features. First, the maximum number of cloture motions offered on any nomination was higher than in any other Congress. In other Congresses, as many

⁶ Committee on Rules and Administration, *Senate Cloture Rule*, pp. 29-31, 60, 199-208.

⁷ The Republican Party lost control of the Senate during the 1st session of the 107th Congress.

as three cloture motions had been offered on a single nomination only on three occasions (two in 1980 and one in 1994). In the entire 111th Congress, cloture was not attempted more than once on any nomination on which it was sought. In the 108th Congress, by contrast, one nomination was subjected to seven cloture motions and another to four.

Second, when the Senate sought cloture on a nomination but was unable to confirm it, the Senate in the 108th Congress retained the nomination on its calendar until final adjournment. In earlier Congresses, nominations that were not confirmed after cloture attempts were typically either withdrawn or returned to the President. Both these shifts may represent indications of an increased intensity with which supporters of these nominations were attempting to secure Senate votes on them.

Table 3. Cloture Action on Judicial and Executive Nominations, by Time Period, 1967-2010

Congresses and (years)	Judicial			Executive		
	Cloture Invoked	Cloture Rejected	Cloture Fell, Vitiating or Withdrawn ^a	Cloture Invoked	Cloture Rejected	Cloture Fell, Vitiating or Withdrawn ^a
90 th -102 nd (1967-1992)	5	2	1	4	0	0
103 rd (1993-1994)	1	0	1	3	3	4
104 th -107 th (1995-2002)	5	1	1	3	1	0
108 th (2003-2004)	0	10	2	0	1	1
109 th (2005-2006)	6	0	0	3	2	7
110 th (2007-2008)	1	0	0	0	0	0
111 th (2009-2010)	2	0	3	8	2	6
Total	20	13	8	21	9	18

Source: Table 4.

Notes: All nominations on which cloture was invoked were confirmed. Five of the nominations for which cloture was rejected were confirmed. All but one of the nominations on which the cloture motion fell, was vitiating, or was withdrawn were ultimately confirmed. See Table 1.

a. This category includes only situations in which there was no vote on any cloture motion.

Positions in Relation to Which Cloture Was Sought

Few of the nominations on which cloture has been attempted have been to the Supreme Court or Cabinet-level positions. Only four have been to the Supreme Court, and five to offices at the level of the President's Cabinet. Until the 111th Congress, a majority of the nominations on which cloture was sought had been to positions on the federal bench. This circumstance perhaps reflected the Senate's traditional inclination to permit the President generally wide latitude in selecting officials to serve under him in executive branch positions.

Only in the 103rd, 109th and 111th Congresses was cloture sought in more cases of nominations to positions in the executive branch than the judicial branch. Of the 12 nominations on which cloture action occurred during the 103rd Congress, 10 were for executive branch positions. Of the 19 nominations on which cloture was sought in the 109th Congress, 12 were for executive branch

positions. Of the 21 nominations on which cloture was sought in the 111th Congress, 16 were for executive branch positions. **Table 3** summarizes the outcomes of cloture action on executive and judicial nominations, broken down into seven periods that display distinct patterns.

Table 4. Nominations With Cloture Attempts, 1968-2010

Congress and Year	Nominee	Position	Number of Cloture Attempts ^a	Final Outcome of Cloture Attempt ^b	Disposition of Nomination
90 th , 1968	Abe Fortas	Chief Justice	1	Rejected, 45-43	withdrawn
92 nd , 1971	William H. Rehnquist	Associate Justice	2	Rejected, 52-42	confirmed
96 th , 1980	William A. Lubbers	General Counsel, National Labor Relations Board	3	invoked, 62-34	confirmed
96 th , 1980	Don Zimmerman	Member, National Labor Relations Board	3	invoked, 63-31	confirmed
96 th , 1980	Stephen G. Breyer	Circuit Judge	2	invoked, 68-28	confirmed
98 th , 1984	J. Harvie Wilkinson	Circuit Judge	2	invoked, 65-32	confirmed
99 th , 1986	Sidney A. Fitzwater	District Judge	1	invoked, 64-33	confirmed
99 th , 1986	Daniel A. Manion	Circuit Judge	1	withdrawn	confirmed
99 th , 1986	William H. Rehnquist	Chief Justice	1	invoked, 68-31	confirmed
100 th , 1987	Melissa Wells	Ambassador	1	invoked, 64-24	confirmed
100 th , 1987	C. William Verity	Secretary of Commerce	1	invoked, 85-8	confirmed
102 nd , 1992	Edward Earl Carnes, Jr.	Circuit Judge	1	invoked, 66-30	confirmed
103 rd , 1993	Walter Dellinger	Assistant Attorney General	2	Rejected, 59-39	confirmed
103 rd , 1993	five nominations ^c	State Department	2	Rejected, 58-42	confirmed
103 rd , 1993	Janet Napolitano	U.S. Attorney	1	invoked, 72-26	confirmed
103 rd , 1994	M. Larry Lawrence	Ambassador	1	fell ^d	confirmed
103 rd , 1994	Rosemary Barkett	Circuit Judge	1	withdrawn	confirmed
103 rd , 1994	Sam Brown	Ambassador	3	Rejected, 56-42	returned to president
103 rd , 1994	Derek Shearer	Ambassador	2	invoked, 62-36	confirmed

Congress and Year	Nominee	Position	Number of Cloture Attempts ^a	Final Outcome of Cloture Attempt ^b	Disposition of Nomination
103 rd , 1994	Ricki Tigert	Board Member and Chair, Federal Deposit Insurance Corporation ^c	2	invoked, 63-32	confirmed
103 rd , 1994	H. Lee Sarokin	Circuit Judge	1	invoked, 85-12	confirmed
103 rd , 1994	Buster Glosson	Air Force Lieutenant General (retired)	1	withdrawn	confirmed
103 rd , 1994	Claude Bolton, Jr.	Air Force Brigadier General	1	vitiated ^d	confirmed
103 rd , 1994	Edward P. Barry, Jr.	Air Force Lieutenant General (retired)	1	vitiated ^d	confirmed
104 th , 1995	Henry Foster	Surgeon General	2	Rejected, 57-43	no final vote
105 th , 1997	Joel I. Klein	Assistant Attorney General	1	invoked, 78-11	confirmed
105 th , 1998	David Satcher	Surgeon General	1	invoked, 75-23	confirmed
106 th , 1999	Brian Theodore Stewart	District Judge	1	Rejected, 55-44	confirmed
106 th , 2000	Marsha L. Berzon	Circuit Judge	1	invoked, 86-13	confirmed
106 th , 2000	Richard A. Paez	Circuit Judge	1	invoked, 85-14	confirmed
107 th , 2002	Lavenski R. Smith	Circuit Judge	1	invoked, 94-3	confirmed
107 th , 2002	Richard R. Clifton	Circuit Judge	1	invoked, 97-1	confirmed
107 th , 2002	Richard H. Carmona	Surgeon General	1	invoked, 98-0	confirmed
107 th , 2002	Julia Smith Gibbons	Circuit Judge	1	invoked, 89-0	confirmed
107 th , 2002	Dennis W. Shedd	Circuit Judge	1	vitiated ^d ^{Error!} Reference source not found.	confirmed
108 th , 2003	Victor J. Wolski	Judge, Court of Claims	1	vitiated ^d ^{Error!} Reference source not found.	confirmed
108 th , 2003	Miguel A. Estrada	Circuit Judge	7	rejected, 55-43	withdrawn
108 th , 2003	Michael O. Leavitt	Administrator, Environmental Protection Agency	1	withdrawn	confirmed

Congress and Year	Nominee	Position	Number of Cloture Attempts^a	Final Outcome of Cloture Attempt^b	Disposition of Nomination
108 th , 2003	Charles W. Pickering, Sr.	Circuit Judge	1	rejected, 54-43	no final vote
108 th , 2003	William H. Pryor, Jr.	Circuit Judge	2	rejected, 51-43	no final vote
108 th , 2003	Priscilla Richman Owen	Circuit Judge	4	rejected, 53-42	no final vote
108 th , 2003	Carolyn B. Kuhl	Circuit Judge	2	rejected, 53-43	no final vote
108 th , 2003	Janice R. Brown	Circuit Judge	1	rejected, 53-43	no final vote
108 th , 2003	Thomas C. Dorr	Undersecretary of Agriculture for Rural Development and Board Member, Commodity Credit Corporation ^e	2	rejected, 57-39	no final vote
108 th , 2004	Marcia G. Cooke	District Judge	1	withdrawn	confirmed
108 th , 2004	William Gerry Myers III	Circuit Judge	1	rejected, 53-44	no final vote
108 th , 2004	David W. McKeague	Circuit Judge	1	rejected, 53-44	no final vote
108 th , 2004	Henry W. Saad	Circuit Judge	1	rejected, 52-46	no final vote
108 th , 2004	Richard A. Griffin	Circuit Judge	1	rejected, 54-44	no final vote
109 th , 2005	Thomas C. Dorr	Undersecretary of Agriculture for Rural Development	1	withdrawn	confirmed
109 th , 2005	Peter Cyril Wyche Flory	Assistant Secretary of Defense	1	rejected, 52-41	no final vote
109 th , 2005	Priscilla Richman Owen	Circuit Judge	1	invoked, 81-18	confirmed
109 th , 2005	William H. Pryor, Jr.	Circuit Judge	1	invoked, 67-32	confirmed
109 th , 2005	Janice R. Brown	Circuit Judge	1	invoked, 65-32	confirmed
109 th , 2005	John R. Bolton	U.S. Representative to the United Nations	2	rejected, 54-38	no final vote
109 th , 2005	Stephen L. Johnson	Administrator, Environmental Protection Agency	1	invoked, 61-37	confirmed
109 th , 2005	Robert J. Portman	U.S. Trade Representative	1	vitiating	confirmed
109 th , 2006	Gordon England	Deputy Secretary of Defense	1	withdrawn	confirmed

Congress and Year	Nominee	Position	Number of Cloture Attempts^a	Final Outcome of Cloture Attempt^b	Disposition of Nomination
109 th , 2006	Eric S. Edelman	Under Secretary of Defense for Policy	1	withdrawn	confirmed
109 th , 2006	Benjamin A. Powell	General Counsel, Office of the Director of National Intelligence	1	withdrawn	confirmed
109 th , 2006	Richard Stickler	Assistant Secretary of Labor for Mine Safety and Health	1	withdrawn	no final vote
109 th , 2006	Dorrance Smith	Assistant Secretary of Defense	1	withdrawn	confirmed
109 th , 2006	Samuel A. Alito, Jr.	Associate Justice, Supreme Court	1	invoked, 72-25	confirmed
109 th , 2006	Brett M. Kavanaugh	Circuit Judge	1	invoked, 67-30	confirmed
109 th , 2006	Andrew von Eschenbach	Commissioner, Food and Drug Administration	1	invoked, 89-6	confirmed
109 th , 2006	Dirk Kempthorne	Secretary of the Interior	1	invoked, 85-8	confirmed
109 th , 2006	Kent A. Jordan	Circuit Judge	1	invoked, 93-0	confirmed
110 th , 2007	Leslie Southwick	Circuit Judge	1	invoked, 62-35	confirmed
111 th , 2009	Hilda Solis	Secretary of Labor	1	withdrawn	confirmed
111 th , 2009	Austan Dean Goolsbee	Member, Council of Economic Advisers	1	withdrawn	confirmed
111 th , 2009	Cecilia Elena Rouse	Member, Council of Economic Advisers	1	withdrawn	confirmed
111 th , 2009	David W. Ogden	Deputy Attorney General	1	withdrawn	confirmed
111 th , 2009	David J. Hayes	Deputy Secretary of the Interior	1	rejected, 57-39	confirmed
111 th , 2009	Christopher R. Hill	U.S. Ambassador to Iraq	1	invoked, 73-17	confirmed
111 th , 2009	David F. Hamilton	Circuit judge	1	invoked, 70-29	confirmed
111 th , 2010	Lael Brainard	Under Secretary, Treasury Department	1	invoked, 84-10	confirmed
111 th , 2010	Harold Hongju Koh	Legal Advisor, Department of State	1	invoked, 65-31	confirmed
111 th , 2010	Marisa J. Demeo	Associate Judge, Superior Court, District of Columbia	1	withdrawn	confirmed
111 th , 2010	William K. Sessions III	Chair, United States Sentencing Commission	1	withdrawn	confirmed
111 th , 2010	M. Patricia Smith	Solicitor, Department of	1	invoked,	confirmed

Congress and Year	Nominee	Position	Number of Cloture Attempts ^a	Final Outcome of Cloture Attempt ^b	Disposition of Nomination
		Labor		60-32	
111 th , 2010	Cass R. Sunstein	Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget	1	invoked, 63-35	confirmed
111 th , 2010	Robert M. Groves	Director of the Census, Department of Commerce	1	invoked, 76-15	confirmed
111 th , 2010	Martha N. Johnson	Administrator, General Services Administration	1	invoked, 82-16	confirmed
111 th , 2010	<i>Thomas J. Vanaskie</i>	<i>Circuit Judge</i>	<i>1</i>	<i>withdrawn</i>	<i>confirmed</i>
111 th , 2010	<i>Barbara Milano Keenan</i>	<i>Circuit Judge</i>	<i>1</i>	<i>invoked, 99-0</i>	<i>confirmed</i>
111 th , 2010	Ben S. Bernanke	Chairman, Board of Governors of the Federal Reserve System	1	invoked, 77-23	confirmed
111 th , 2010	<i>Denny Chin</i>	<i>Circuit Judge</i>	<i>1</i>	<i>withdrawn</i>	<i>confirmed</i>
111 th , 2010	Craig Becker	Member, National Labor Relations Board	1	rejected, 52-33	no final vote
111 th , 2010	Christopher H. Schroeder	Assistant Attorney General	1	withdrawn	confirmed

Sources: Compilations by CRS and Senate Library; Legislative Information System of the U.S. Congress; U.S. Congress, Senate, Committee on Rules and Administration, *Senate Cloture Rule*, committee print 99-95, 99th Congress, 1st session (Washington: GPO, 1985), pp. 44-70, 78-85; *Congressional Record* (Daily Digest); and *Congressional Quarterly Almanac* for 1986, 1987, 1992, 1995, 1999.

Notes: Executive branch nominations in roman; *Judicial nominations in italic*. Final outcome of cloture attempt is in **bold** when cloture was rejected. Disposition of nomination is in **bold** when the nominee was not confirmed.

- Category includes both cloture motions filed and votes of the Senate to reconsider a cloture vote.
- On several of the nominations, the Senate held more than one cloture vote. This vote represents the final cloture vote of that Congress on the nomination.
- These five nominations to various positions in the State Department received consideration and cloture action concurrently, and are counted as one case in the tables.
- Cloture motion became moot and received no action.
- The individual was nominated simultaneously for the two positions specified, and cloture action took place on each nomination in turn. The table counts all actions on one nominee as one case.
- By unanimous consent, the Senate treated the cloture motion as having no effect.

Appendix. Nominations With Cloture Attempts in the 112th Congress

This appendix lists nominations submitted by President Obama during the 112th Congress (through March 9, 2012) on which cloture was attempted. As of that date, cloture petitions had been filed on 10 nominations. The data on each nomination provided in **Table A-1** is the same as that given in **Table 4** above.

The tables in the body of the report do not cover any of these nominations in the 112th Congress. Of these 10 nominations, six were confirmed. The Senate invoked cloture on three of the nominations (and then confirmed each of the three), it rejected cloture on five, and the motion for cloture was withdrawn in the remaining two instances. Of the five nominees on whom the Senate rejected cloture, one, James Michael Cole, to be Deputy Attorney General, was later confirmed; the other four were returned to the President, were withdrawn by the President, or reached no final vote. The two nominations on which cloture was withdrawn also were confirmed. The remaining four nominations (on all of which the Senate rejected cloture

Table A-1. Nominations With Cloture Attempts, 112th Congress
(Through March 9, 2012)

Nominee	Position	Number of cloture attempts	Final outcome of cloture attempt	Disposition of nomination
Richard Cordray	Director, Bureau of Consumer Financial Protection	1	rejected 53-45	Returned to President
Mari Carmen Aponte	Ambassador to El Salvador	1	rejected 49-37	No final vote
Norman L. Eisen	Ambassador to Czech Republic	1	invoked 70-16	Confirmed voice
Donald B. Verrilli	Solicitor General	1	withdrawn	Confirmed 72-16
James Michael Cole	Deputy Attorney General	1	rejected 50-40	Confirmed 55-42
<i>John J. McConnell, Jr.</i>	<i>District Judge</i>	<i>1</i>	<i>invoked 63-33</i>	<i>Confirmed 50-44</i>
<i>Caitlin Joan Halligan</i>	<i>Circuit Judge</i>	<i>1</i>	rejected 54-45	Returned to President
<i>Goodwin Liu</i>	<i>Circuit Judge</i>	<i>1</i>	rejected 52-43	Withdrawn
<i>Jesse M. Furman</i>	<i>District Judge</i>	<i>1</i>	<i>withdrawn</i>	<i>Confirmed 62-34</i>
<i>Adalberto Jose Jordan</i>	<i>Circuit Judge</i>	<i>1</i>	<i>invoked 89-5</i>	<i>Confirmed 94-5</i>

Source: Nominations database of the Legislative Information System (LIS), available to the congressional community at <http://www.congress.gov/nomis/>.

Notes: Executive nominations in Roman; *Judicial nominations in italics*. Final outcome of cloture attempt is in **bold** when cloture was rejected. Disposition of nomination is in **bold** when the nominee was not confirmed.

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