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December 13, 2013

By FedEx

Honorable Scott S. Harris
Clerk, Supreme Court of the United States
1 First Street, N.E.
Washington, DC 20543

Re: *National Labor Relations Board v. Noel Canning*, No. 12-1281

Dear Mr. Harris:

I am counsel of record for *amicus curiae* The Brennan Center for Justice at New York University School of Law ("Brennan Center"), which submitted a brief *amicus curiae* in support of petitioner in *National Labor Relations Board v. Noel Canning*, No. 12-1281. In our brief, we refer in a number of places to the role of the filibuster in obstructing the President's appointment of officials to executive agencies (*see, e.g.*, pages 20-22, 32-34).

I write to ensure that the Court is aware that, subsequent to the filing of the Brennan Center's brief *amicus curiae* on September 20, 2013, the Senate modified its procedures for terminating certain filibusters. Senate precedent, as adopted on November 21, 2013, now provides that invoking cloture to end a filibuster on presidential nominations to positions other than the Supreme Court of the United States requires a majority vote, rather than the supermajority of sixty votes previously required. *See* Congressional Record, daily edition, vol. 159, Nov. 21, 2013, pp. S8417-18.

Honorable Scott S. Harris

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A copy of this letter is also being distributed by first class mail and by e-mail to counsel for the parties to this action, counsel for the intervenor, and counsel to *amicus curiae* Senate Republican Leader Mitch McConnell and 44 Other Members of the United States Senate.

Respectfully,



Sidney S. Rosdeitcher

Counsel of Record for amicus curiae

The Brennan Center for Justice

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