

Learning about Legislation #48 - “Hotlining” a Motion

Many people were surprised earlier this week when Senate Majority Leader Mitch McConnell acceded to Senate Minority Leader Chuck Schumer’s demand to bring a resolution related to the whistleblower complaint to the floor of the Senate. The Senate typically moves so slowly, it was almost shocking to see how quickly a measure could move through when all were in agreement. The process used to expedite the resolution is referred to informally as “hotlining.” Technically, the Senate performed some complex negotiations to ensure that all Senators would agree to the resolution, and that it would be passed by [unanimous consent](#).

The Congressional Research Service white paper titled “[The Legislative Process on the Senate Floor: An Introduction](#)” describes the process of hotlining in this manner:

Just as the right of extended debate encourages Senate committee and party leaders to bring up bills for consideration by unanimous consent, the right to debate combined with the right to offer non-germane amendments encourages the same leaders to seek **unanimous consent agreements** limiting or foreclosing the exercise of these rights while a bill is being considered. Without such an agreement (or in the absence of a successful cloture process), the bill could be debated for as long as Senators wish—as could each amendment offered, whether germane or not, unless the Senate votes to table it. These are the essential conditions under which the Senate considers a bill if it adheres to its standing rules...

...It must be emphasized, however, that such agreements are unanimous consent agreements. They cannot be imposed on the Senate by any vote of the Senate; they require the concurrence or acquiescence of each and every Senator.

Negotiating these complex unanimous consent agreements can be a difficult and time-consuming process, the responsibility for which falls primarily on the majority and minority leaders and the leaders of the committee with jurisdiction over the bill at issue. They consult interested Senators, but it would be impractical to consult every Senator about every bill scheduled for floor action. For this reason, individual Senators and their staffs take the initiative to protect their own interests by advising the leaders of their preferences and intentions. Negotiations sometimes take place on the floor and on the public record, but at least the preliminary discussions and consultations usually occur in meetings during quorum calls or off the floor. (The negotiation process may also be facilitated by use of the clearance process [or “**hotline**”], an informal communication mechanism by which each party’s leadership gauges the preferences of its conference members.)

It was illuminating to see that the Senate was capable of setting aside partisan bickering to quickly assert their Article I powers.