

MEMORANDUM

February 24, 2010

**From:** Valerie Heitshusen, Analyst on Congress and the Legislative Process, 7-8635  
Elizabeth Rybicki, Analyst on Congress and the Legislative Process, 7-0644

**Subject:** Disposition of Measures in the Senate without a Roll Call Vote, 1989-February 1, 2010

---

**This memorandum was prepared for distribution to more than one congressional office**

---

This memorandum responds to multiple congressional requests for information on the number of measures initially approved without a roll call vote in the Senate in the 111<sup>th</sup> Congress (2009-2010), to date, and in the previous ten Congresses (1989-2008).<sup>1</sup>

**Table 1** presents this information. The total number of measures approved includes bills, joint resolutions, concurrent resolutions, and simple resolutions. Bills and joint resolutions must pass both chambers and be signed by the President to become law. Concurrent resolutions do not become law but are agreed to by both chambers. Simple resolutions are acted upon only by their chamber of origin and do not become law.<sup>2</sup> The data on the number of measures passed or agreed to were compiled from the Legislative Information System (LIS).

As Table 1 makes clear, the vast majority of measures approved by Congress do not receive a roll call vote in the Senate. In the 111<sup>th</sup> Congress through February 1, 2010, 94% of approved measures were approved without a roll call vote. This percentage is similar to that of previous Congresses; in the last ten Congresses, an average of 93% of approved measures did not receive a roll call vote. The percentage of measures approved without a roll call vote ranged from a low of 90% in the 104<sup>th</sup> Congress (1995-1996) to a high of 95% in both the 109<sup>th</sup> (2005-2006) and 110<sup>th</sup> (2007-2008) Congresses.

When the question of final disposition of a measure is not decided by a roll call vote, the Senate sometimes decides the question by voice vote. Sometimes the chair will ask whether there is any objection to passage of the measure and, if none is heard, declare the measure passed “without objection.” This action is formally considered equivalent to passage by voice vote.

---

<sup>1</sup> The authors thank Jenny Devine for assistance with data collection.

<sup>2</sup> This means that the only types of measures not included in the figures are House simple resolutions, since the Senate does not consider them. In addition, note that the figures are only for initial passage of a measure and do not include Senate action on the measures during other stages (e.g., amendments between the houses or action on conference reports). For more information on the different types of legislation, see CRS Report 98-728, *Bills, Resolutions, Nominations, and Treaties: Origins, Deadlines, Requirements, and Uses*, by Richard S. Beth and CRS Report 98-706, *Bills and Resolutions: Examples of How Each Kind is Used*, by Richard S. Beth.

It is often possible for the Senate to approve a measure by unanimous consent, with few or no amendments and with virtually no discussion. Nearly every day the Senate is in session, the majority and minority leaders consult to identify bills and resolutions that have been “cleared” by the Senators in both parties. A measure is considered cleared if no Senator has responded to a party leadership request to inform leadership that he or she is opposed to passage of the measure without debate.

To clear measures for passage, party leaders contact each Senate office, relying in part on an automated telephone system known as the “hotline.” Every Senate office has a telephone line dedicated to receiving recorded messages from the Democratic and Republican Cloakrooms. Sometimes the messages, similar for both parties, state that the party leader would like unanimous consent for the Senate to call up and approve a measure.<sup>3</sup> If a Senator is opposed to passing or agreeing to the measure in the stated time frame and without floor debate, the recorded message directs the office to contact the appropriate party cloakroom.

The hotline helps leadership inform Senators of measures intended to be proposed for approval by unanimous consent. Senators also sometimes discuss measures among themselves in informal settings. Requests to put measures on the hotline often originate with committee leaders or sponsors of measures, and these Senators and their staff work to inform their colleagues of measures proposed to be cleared and, when necessary, to negotiate changes to the legislation. The nature and extent of these informal, private discussions that take place prior to inclusion of the legislation on the hotline cannot be quantified.

Once a group of measures has been cleared, the majority leader or his designee seeks recognition on the Senate floor and asks for unanimous consent to call up and pass them – either in sequence or en bloc – usually identifying the measures by their bill number as well as by their legislative calendar order number. The leader also proposes at this time any amendments on which the interested Senators may have agreed in advance. Action on these amendments also may occur by unanimous consent, often as part of the same unanimous consent request by which the measure is called up and passed. Each measure is called up and passed in a matter of minutes or less. There usually is no debate, although Senators sometimes briefly describe the measure and may have statements inserted in the *Congressional Record*.

In sum, the Senate passes or agrees to measures by roll call vote, by voice vote or by unanimous consent at the end of floor consideration, or by unanimous consent as part of the clearance process. Table 1 only provides information on measures passed by roll call vote and passed without a roll call vote, and does not distinguish among the other methods of disposing of measures.

Congressional clients are welcome to direct questions regarding this memorandum to either author listed above.

---

<sup>3</sup> This is not the only use of the hotline. Leadership messages might also, for example, state that unanimous consent is sought for a time agreement on a particular measure.

---

**Table I. Number of Measures Initially Disposed of Favorably by the Senate**  
 111<sup>th</sup> Congress through February 1, 2010, and 101<sup>st</sup> – 110<sup>th</sup> Congresses (1989-2008)

Congress	Total Number Approved	Number Approved by Roll Call	Number Approved without a Roll Call (% of Total Approved)
111 <sup>th</sup> (through 2/1/2010)	498	32	466 (94%)
110 <sup>th</sup> (2007-2008)	1211	59	1152 (95%)
109 <sup>th</sup> (2005-2006)	1260	60	1200 (95%)
108 <sup>th</sup> (2003-2004)	1259	68	1191 (95%)
107 <sup>th</sup> (2001-2002)	953	59	894 (94%)
106 <sup>th</sup> (1999-2000)	1261	80	1181 (94%)
105 <sup>th</sup> (1997-1998)	910	77	833 (92%)
104 <sup>th</sup> (1995-1996)	822	81	741 (90%)
103 <sup>rd</sup> (1993-1994)	939	67	872 (93%)
102 <sup>nd</sup> (1991-1992)	1281	86	1195 (93%)
101 <sup>st</sup> (1989-1990)	1322	80	1242 (94%)

**Source:** Legislative Information System (LIS)

**Note:** Includes initial passage of House and Senate-introduced bills, joint resolutions, concurrent resolutions, and simple resolutions.