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Expedited or “Fast-Track” Legislative Procedures

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Summary

Expedited or “fast-track” legislative procedures are special procedures that Congress adopts to promote timely committee and floor action on a specifically defined type of bill or resolution. For example, House and Senate consideration of budget resolutions and reconciliation bills are governed by fast-track procedures. Congress includes fast-track procedures in bills that are enacted into law—for example, the Congressional Budget Act, as amended, and the Patient Protection and Affordable Care Act—instead of adopting them as part of the standing rules of the House or Senate. However, these procedures have the same force and effect that they would have if they were incorporated in the standing rules of the House or Senate.

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The regular legislative procedures of the House and Senate can be time-consuming, and they provide no guarantee that every bill or resolution that is introduced will be considered quickly, or at all, in committee and on the floor. In fact, most bills are never considered, and only a small fraction are passed by the House and Senate and enacted into law.

Most of the time, most Representatives and Senators consider the slow and selective nature of the legislative process to be a virtue in that it protects against enactment of new laws without adequate scrutiny and debate. Members sometimes decide in advance that it will be important for Congress to act expeditiously on certain kinds of measures. In these cases, Members devise special procedures that put those measures on a legislative fast track and protect them from being blocked or unduly delayed by the procedural obstacles that prevent most measures from completing all the stages of the legislative process.

In addition to the budget measures mentioned above, other kinds of bills and resolutions that Congress has singled out for special expedited consideration include resolutions relating to the use of U.S. Armed Forces (under the War Powers Act) and measures to implement international trade agreements (under the Trade Act of 1974, as amended). Other laws give Congress a limited opportunity to disapprove some action that an executive branch official has taken or proposes to take—perhaps within 30 or 60 days—by passing a joint resolution of disapproval. The *House Rules and Manual* includes the texts of expedited procedures applicable to the House in the section on “Statutory Legislative Procedures.”¹

Fast-track procedures often include some or all of the following elements:

- A definition of the kinds of bills or resolutions to which the expedited procedures are to apply;
- Mandatory introduction of such a measure, often promptly after the House and Senate receive a message that the President is required to submit;
- A requirement for the committee to which the measure is referred to report it within a certain number of days;
- Provision for automatic discharge of a committee, or for a privileged motion to discharge, if the measure is not reported within a specified time;
- Privileged access for the measure to the House and Senate floor for consideration;
- Limitations on the length of time that each house can debate or consider the measure on the floor;
- Prohibitions against Members proposing floor amendments to the measure and offering certain other motions during its consideration; and

¹ U.S. Congress, House, *Constitution, Jefferson's Manual, and Rules of the House of Representatives*, H.Doc. 113-181, 113th Cong., 2nd sess. (Washington: GPO, 2015), §1130, pp. 1127-1304.

- Automatic “hookup” procedures that ensure prompt floor action in either house on any companion bill or resolution that the other house has passed.

Not all expedited procedures include all these elements. For example, Congress has enacted fast-track procedures that provide for expedited floor consideration of certain measures—but only if the committees to which those measures are referred choose to report them. In other cases, fast-track procedures are more likely to promote prompt committee and floor action in one house than in the other. In general, expedited procedures that fail to include one or more of these elements leave opportunities for delay or inaction in one or both houses. For instance, if fast-track procedures do not bar all amendments to the measure (in committee and on the floor), there is no way to guarantee that the House and Senate will reach final agreement on the text of that measure and that it will reach the President for possible enactment into law.

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