

# “Fast Track” Senate Procedures for Considering Human Rights and Security Assistance Resolutions

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Section 502B(c)(1) of the Foreign Assistance Act of 1961 ([22 U.S.C. §2304\(c\)](#)), as amended, establishes a parliamentary mechanism whereby the House or Senate can formally request a statement from the Secretary of State regarding human rights in a specific nation. After receiving that statement, Congress may then consider separate legislation terminating, restricting, or continuing security assistance to that nation. A simple resolution requesting such a statement, and a subsequent joint resolution regulating security assistance to the nation in question, are, under the Act, both subject to consideration in the Senate under “fast track” parliamentary procedures that limit debate, bar amendment, and preclude a filibuster of the legislation. The Act does not establish any special parliamentary procedures governing House consideration of either type of resolution.

Under 22 U.S.C. §2304(c), upon the request of either the House Foreign Affairs or Senate Foreign Relations Committees, or by simple resolution (H.Res. or S.Res.) passed by the House or Senate, a formal request for information on human rights in a specific country can be made of the Department of State. The Secretary of State, with the assistance of the Assistant Secretary of State for Democracy, Human Rights, and Labor, is required to provide a statement to both chamber’s foreign affairs committees within 30 days of receiving the request. The Act states that any such statement shall include:

- all available information about the observance of, and respect for, human rights and fundamental freedom in that country, and a detailed description of practices by the recipient government with respect thereto;
- the steps the United States has taken to (1) promote respect for and observance of human rights in that country, and (2) discourage any practices which are inimical to internationally recognized human rights, and publicly or privately call attention to, and disassociate the United States and any security assistance provided for such country from, such practices;
- whether, in the opinion of the Secretary of State, notwithstanding any such practices, (1) extraordinary circumstances exist which necessitate a continuation of security assistance for such

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country, and, if so, a description of such circumstances and the extent to which such assistance should be continued (subject to such conditions as Congress may impose under this section); and (2) on all the facts it is in the national interest of the United States to provide such assistance; and

- such other information as such committee or such House may request.

The Act states that failure to transmit the requested statement within 30 days of receipt of the request by the Secretary of State means that “no security assistance shall be delivered to such country except as may thereafter be specifically authorized by law ... unless and until such statement is transmitted.” (This provision was enacted prior to the Supreme Court decision in [Immigration and Naturalization Service v. Chadha \(462 U.S. 919 \(1983\)\)](#) which invalidated one- and two-chamber legislative vetoes, and its constitutionality should be read in that light.)

In the event a statement with respect to a country is transmitted as requested, Congress may at any time thereafter adopt a joint resolution (H.J.Res., S.J.Res.) terminating, restricting, or continuing security assistance for such country. In the event such a joint resolution is enacted, such assistance shall be so terminated, so restricted, or so continued, as the case may be.

Under 22 U.S.C. §2304(c), both types of resolution described above—a simple resolution (H.Res., S.Res.) requesting a statement on human rights in a country from the Secretary of State, as well as a joint resolution (H.J.Res., S.J.Res.) terminating, restricting, or continuing security assistance for such country—are subject to consideration in the Senate under expedited parliamentary procedures contained in [Sec. 601\(b\) of the International Security Assistance and Arms Export Control Act of 1976 \(ISAAECA\)](#). As noted, there are no special procedures in the Act governing House consideration of such resolutions. In brief, the ISAAECA procedures provide in the Senate, that:

- The simple or joint resolution will be referred to committee under normal Senate procedures. If a Senate committee has not reported the resolution within 10 days thereafter (excluding any days on which the chambers are absent pursuant to an adjournment resolution), a privileged motion to discharge is in order on the Senate floor.
- A motion to discharge must be made by a supporter of the resolution, and is debatable for one hour, evenly divided and controlled by the majority and minority leaders or their designees.
- Once the committee of referral has reported or been discharged from further consideration, the simple or joint resolution is placed on the Senate Calendar of Business.
- Once on the calendar, a non-debatable motion to proceed to consider the resolution is in order on the Senate floor.
- If the motion to proceed is agreed to, the resolution becomes pending on the floor, and is subject to up to 10 hours of debate. A non-debatable motion to further limit debate is in order.
- No amendments or motions to recommit are permitted during Senate consideration of a simple or joint resolution.
- If there are any debatable motions made during consideration of the resolution, they are limited to one hour of debate falling within the overall 10-hour debate cap.
- When the debate time is used or yielded back, the Senate votes on passage of the resolution.
- All votes taken during initial Senate consideration of the resolutions are simple majority votes.

The expedited parliamentary procedures contained in 22 U.S.C. §2304(c) are considered to be internal rules of the Senate, and may be overridden in whole or in part by unanimous consent.

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