

CRS Report for Congress

Received through the CRS Web

Introducing a Senate Bill or Resolution

Richard C. Sachs
Specialist in American National Government
Government and Finance Division

Developing Ideas for Legislative Language. Ideas and recommendations for legislation may come from private sources, like ordinary citizens or interest groups; executive branch agencies and the White House; states and localities; and, of course, from individual Senators, committees and other Senate work groups, and party and chamber leaders. Any or all of these entities may also participate in drafting legislation (resolutions as well as bills).

Some of the most common considerations that may be taken into account when preparing the initial draft of a bill are

- Will the measure attract cosponsors?
- To what committee is the measure likely to be referred?
- Does the measure have bipartisan appeal?
- Is the measure best introduced at the start of a session of Congress, or later?
- Could the measure be the subject of a filibuster or a hold?
- What are the budgetary or appropriations implications?

For more information on legislative process, see [<http://www.crs.gov/products/guides/guidehome.shtml>].

Senate Office of Legislative Counsel. Although there is no requirement that bills and other measures introduced in the Senate be drafted by the Senate Office of Legislative Counsel, the office usually plays a critical role. Its staff attorneys are both subject-matter specialists and experts in legislative drafting. The office is located at 668 Dirksen Senate Office Building (4-6461).

Legislative counsel staff are often assigned to a committee or committees, and focus almost exclusively on related policy areas in which they are expert. They act as nonpartisan, shared staff, working closely with committee members and staff. Personal office staff assigned responsibility for drafting legislation may seek assistance from legislative counsel at any stage. Numerous drafts of a bill or resolution may be required before the measure is formally introduced.

The Senate Committee on Rules and Administration has set the drafting priorities of the Office of the Legislative Counsel as follows: (1) measures in conference; (2)

measures pending on the floor; (3) measures pending before a committee; and (4) measures to be prepared for individual Senators. Within each of these categories, priority is given to requests in the order they are received.

Guidelines for expediting requests for assistance from the Office of the Legislative Counsel are to be found in the *U.S. Senate Handbook* (1996 edition), chapter 3, "Legislative Activity." (Senate access only to the Senate's Web site Webster at [<http://webster.senate.gov/other/sole/index.htm>]).

Seeking Cosponsors. When a Senator introduces a measure, he or she commonly attaches a form bearing the names of cosponsors. Before the bill is introduced, Senators may become cosponsors by contacting the office of the chief sponsor and requesting that their names be added to the bill or resolution. Initial cosponsors can be added until the measure is presented to the clerk in the Senate chamber. There is no limit on the number of cosponsors.

One of the most common techniques for informing Senators of the pending introduction of a bill or resolution, and for soliciting support, is the "Dear Colleague" letter, sent to most or all Senators. These letters are so called after the appellation with which they nearly always begin. Typically, "Dear Colleague" letters briefly state the issue the measure addresses, the measure's significant features and remedial impact, and an appeal to become a cosponsor. Almost always, they carry the name and phone number of a staff aide. (See CRS Report 98-279, *Sponsorship and Cosponsorship of Senate Bills*.)

Introducing a Bill or Resolution. Senate Rule VII formally requires measures to be introduced from the floor as part of "morning business." In practice, however, morning business seldom occurs as provided in Rule VII. Instead, on most days, the Senate provides by unanimous consent that a period for transacting routine morning business occur at some point. Senators may introduce measures from the floor during this period. Also, it has become the practice of the Senate to adopt for each new Congress a standing order allowing Senators to introduce measures at any time the chamber is in session by presenting them to a clerk at the desk. Most measures are introduced in this fashion. However, no bill may be introduced on a day in which there has been no period for morning business.

To be introduced for Senate consideration, a measure must be signed by the sponsoring Senator. If Senators wish to accompany the measure with a statement, they may either deliver the statement during morning business, or at any other time, or they may ask unanimous consent to insert the statement in the *Congressional Record*. By unanimous consent, the text of the measure may also be inserted.

Referral. Senate Rule XIV requires that all bills and resolutions be read twice before they are referred to committees of jurisdiction. Committee jurisdictions are set forth in Rule XXV. Referrals are made by the Senate parliamentarian's office acting on behalf of the presiding officer. Under the provisions of Rule XVII, a measure is referred to the committee with "jurisdiction over the subject matter which predominates." Multiple referrals occur only occasionally. A procedure in Rule XIV allows an introduced measure to be placed directly on the calendar of business without being first referred to a standing committee.