

CRS Report for Congress

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Introducing a House Bill or Resolution

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Developing Ideas for Legislative Language. Ideas and recommendations for legislation may come from private sources, such as ordinary citizens or interest groups; executive branch agencies and the White House; state and local initiatives; and, of course, individual Members, committees and other 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 drafting a bill are:

- Will the measure attract cosponsors?
- To what committee or committees 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?
- What are the budgetary or appropriations implications?

House Office of Legislative Counsel. Although there is no requirement that bills and other measures introduced in the House be drafted by the House 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 136 Cannon House Office Building (5-6060).

Legislative counsel staff are often assigned to a specific 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 a measure is formally introduced.

Seeking Cosponsors. The chief sponsor of a bill or resolution commonly seeks cosponsors prior to its introduction as an indication of support.

One of the most common techniques for informing Members of the pending introduction of a bill or resolution, and for soliciting support, is the “Dear Colleague” letter, sent to most or all Members. These letters are so called after the appellation with

which they nearly always begin. Typically, "Dear Colleague" letters briefly state the issue the bill addresses, its major components, and remedial impact, and include an appeal to become a cosponsor. Almost always, they carry the name and phone number of a staff aide. (See CRS Report 98-222, *Sponsorship and Cosponsorship of House Bills*.)

A Representative who wishes to become a cosponsor may contact the chief sponsor's office and request that his or her name be added. A form listing cosponsors is kept, usually by a staff aide, and submitted along with the bill or resolution when it is introduced. Before a bill is reported, a Representative may remove his or her name as a cosponsor by seeking unanimous consent on the floor.

Introducing a Bill. House Rule XII deals with the introduction of measures in the House, but in fact, the formal procedures that govern the practical activity of introducing legislation are few. Former House parliamentarian Wm. Holmes Brown in *House Practice: A Guide to the Rules, Precedents and Procedures of the House* (Washington: GPO, 1996) states: "The system for introducing measures in the House is a relatively free and open one."

When a Member has determined that a bill or resolution is ready for introduction, the measure is printed in a form that leaves room for the parliamentarian's office to note the committee or committees of referral and for a clerk to insert a number. The Member must sign the measure and attach the names of cosponsors. The Member then deposits the measure in the box, or "hopper," at the clerk's desk in the House chamber. A Member need not seek recognition in order to introduce a measure.

Bills and resolutions may be introduced at any time when the House is in session. House rules do not limit the number of bills a Member may introduce. Moreover, House precedents permit a Member to introduce a measure at the request of an individual who is not a member of the House, for example, the President, even though the Member may be personally opposed to its passage. In such a case, the phrase "by request" appears on the bill following the name of the primary sponsor.

If a Member has second thoughts after introducing a measure, he or she may reclaim it from the clerk so long as the measure has not been assigned a number and referred to committee. Thereafter, once a measure has been referred and numbered, it becomes the property of the House and cannot be reclaimed. The House has the authority to consider an introduced bill or resolution even if the sponsor resigns from the House, or dies.

Referral. From the hopper at the clerk's desk in the chamber, most measures are taken to the parliamentarian's office where they are referred to one or more committees (per Rule XII, clause 2). (Most of the time, the referral is determined before a bill is assigned a number.) Formal authority to refer legislation is held by the Speaker but exercised through the parliamentarian. Almost all legislation is referred to committees pursuant to jurisdictions set forth in Rule X. The Speaker has the authority to make multiple referrals, to designate a "primary" committee, and to impose time limitations on the referral. (See CRS Report 98-175, *House Committee Jurisdiction and Referral: Rules and Practice*).