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Office of Legislative Counsel: House

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Analyst on the Congress

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Background and History

The original Legislative Drafting Service,¹ established by Section 1303 of the Revenue Act of 1918,² was a single agency composed of two independent branches, one under the direction of the Senate and the other under the direction of the House. The House Office of Legislative Counsel was given its own separate legislative charter by Title V of the Legislative Reorganization Act of 1970 (2 U.S.C. 281-282e), effectively separating the Office of Legislative Counsel into autonomous House and Senate components.

Structure and Functions

The management, supervision, and administration of the Office is vested in the House Legislative Counsel, appointed by the Speaker of the House. The Legislative Counsel is empowered to “appoint such attorneys and other employees as may be necessary for the prompt and efficient performance of the functions of the Office.” These attorneys are both subject-matter specialists and experts in legislative drafting. The Legislative Counsel also designates a deputy legislative counsel to serve during his absence or disability or when the position of Legislative Counsel is vacant. The professional staff of the office includes approximately 50 attorneys and an administrative support staff.

The statutory charter requires the office to be impartial as to issues of legislative policy and to maintain the attorney-client relationship with respect to any communications with Members or committees of the House. The work of the office typically includes

- Drafting of bills and resolutions for introduction, and drafting of amendments for use by Members during subcommittee, committee, and floor consideration of bills and resolutions.
- Drafting advice (including advice on form and procedure) on drafts of bills, resolutions, and amendments prepared by others.
- Assisting committees in the preparation of reports, including changes to existing law in compliance with the Ramseyer rule, and explanatory statements accompanying conference reports.

Requests for drafting assistance are at Members’ initiative. There is no requirement in the rules of the House of Representatives that bills and resolutions must be drafted by the Office of Legislative Counsel. One notable exception to this general rule relates to amendments made in order under special rules from the Rules Committee. Guidelines promulgated by the committee stipulate that the assistance of the Legislative Counsel’s Office should be sought in drafting such amendments, to ensure they are drafted to the most up-to-date version of a base bill, and to facilitate posting the text to the Rules Committee website.

¹ The Legislative Drafting Service was renamed the Office of Legislative Counsel by Section 1101 of the Revenue Act of 1924, 43 Stat. 353 (1924), to avoid confusion with the Legislative Reference Service of the Library of Congress (now the Congressional Research Service).

² Revenue Act of 1918, 40 Stat. 1141 (1919), 2 U.S.C. 271 et seq.

The ability of the Office of Legislative Counsel to respond to requests for assistance can be affected by the volume of requests for drafting assistance, as well as the complexity of the issues presented. The statute governing operations of the office gives priority for drafting services first to conference managers, second to committees, third to Members controlling floor time, and last to individual Members. However, the office endeavors to meet all requests in a timely manner.

At the direction of the Speaker, the office may perform other legal services for the House of Representatives not inconsistent with statutory mandates. However, matters relating to legal advocacy and litigation relating to Members' performance of official duties are the province of the Office of the General Counsel.

Contact Information

The Office of Legislative Counsel is located in Room 136, Cannon House Office Building. Requests for assistance may be made in person, in writing, by telephone (5-6060), or via e-mail (legcoun@mail.house.gov). Additional information on the office's policies, procedures, and services is available from the Legislative Counsel's website at <http://legcoun.house.gov/members/>.

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Acknowledgments

This report was originally written by (name redacted), formerly an analyst in American National Government at CRS. The listed author updated the report and is available to answer questions concerning its contents.

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