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Introducing a Senate Bill or Resolution

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Developing Ideas for Legislation

Ideas and recommendations for legislation come from a wide variety of sources: individual Senators, committees and other Senate work groups, and party and chamber leaders; executive branch agencies and the White House; states and localities; and ordinary citizens or interest groups. Any or all of these entities may also participate in drafting measures.

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

- To which committee is the measure likely to be referred?
- How can the measure attract cosponsors?
- Does the measure have bipartisan appeal?
- Is the measure best introduced early or late in a session of Congress?
- What are the budgetary or appropriations implications?

Senate Office of the Legislative Counsel

The Senate Office of the Legislative Counsel usually plays a critical role in drafting legislation, although there is no requirement that the office draft bills or resolutions. Its staff attorneys are both subject-matter specialists and experts in legislative drafting. The office is 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 by searching the Senate's Webster website at <http://webster.senate.gov>. Only Senate offices have access to Webster.

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. Typically, these letters briefly state the issue the measure addresses, the measure’s significant features, and an appeal to become a cosponsor. Almost always, they carry the name and phone number of a staff aide to contact about cosponsoring the bill.¹

Introducing a Bill or Resolution

At the beginning of each new Congress, the Senate adopts 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. Senators may also introduce measures from the floor as part of “morning business” under Rule VII. 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.

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 also is typically included.

Referral

Senate Rule XIV requires that all bills and resolutions be read twice before they are referred to committees. Committee jurisdictions are set forth in Rule XXV. Referral decisions 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.² 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.³

¹ For further information these practices, see CRS Report 98-279, *Sponsorship and Cosponsorship of Senate Bills*, by Mark J. Oleszek, and CRS Report RL34636, *“Dear Colleague” Letters: Current Practices*, by Jacob R. Straus.

² For further information on the referral of measures in the Senate, see CRS Report 98-242, *Committee Jurisdiction and Referral in the Senate*, by Judy Schneider.

³ For further information on Rule XVI, see CRS Report RS22309, *Senate Rule XIV Procedure for Placing Measures Directly on the Senate Calendar*, by Michael L. Koempel and Christina Wu.

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