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Introducing a House Bill or Resolution

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Developing Ideas for Legislation

Ideas and recommendations for legislation come from a wide variety of sources, such as individual Representatives, committees and other House working groups, party and chamber leaders, executive branch agencies and the White House, states and localities, and citizens or interest groups. Any or all of these individuals or entities may participate in drafting legislation, although only a Member may formally introduce legislation.

Some of the most common considerations that might be taken into account when drafting a bill are

- To what committee or committees is the measure likely to be referred?
- Will the bill attract cosponsors?
- Does the measure have bipartisan appeal?
- Is the measure best introduced at the beginning or toward the end of a Congress?
- What are the budgetary or appropriations implications?
- Should there be a companion measure introduced in the Senate?

Drafting Legislation

Although there is no requirement that bills and other measures introduced in the House be prepared by the House Office of the Legislative Counsel, the office plays an important role in drafting legislation. Its staff attorneys are both subject-matter specialists and experts in legislative drafting. Legislative counsel staff are often assigned to serve 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. Numerous drafts of a bill or resolution may be required before a measure is ready for formal introduction.

Those drafting legislation may seek assistance from legislative counsel at any stage. All communications with the office are considered confidential. The office is located at 136 Cannon House Office Building (5-6060).

Under House Rule XII, clause 2, the Speaker of the House refers legislation based on recommendations from the Office of the Parliamentarian. After introduction, a bill will normally be referred to the committee (or committees) having jurisdiction, as defined in House Rule X, over the subject (or subjects) addressed in the bill.¹ Representatives and staff drafting legislation may consult the Office of the Parliamentarian on the referral that a draft bill would be likely to receive. The office is located at H209 Capitol Building (5-7373).

¹ For further information on committee referral, see CRS Report 98-175, *House Committee Jurisdiction and Referral: Rules and Practice*, by Judy Schneider.

Introducing a Bill

The formal procedures that govern the practical activity of introducing legislation are few and are found in House Rule XII. Former House Parliamentarian William Holmes Brown has stated: “The system for introducing measures in the House is a relatively free and open one.”² House rules do not limit the number of bills a Member may introduce.

When a Representative who is the primary sponsor 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 Representative must sign the measure and attach the names of any cosponsors on the form provided by the Clerk’s office (cosponsors do not sign the bill). The Representative then deposits the measure in the box, or “hopper,” at the bill clerk’s desk in the House chamber when the House is in session. A Member need not seek recognition in order to introduce a measure.

In the 112th Congress, the House changed its rules regarding bill introduction to add a new requirement that Members provide a statement of constitutional authority to show why Congress has the authority to take the steps recommended in the proposed legislation. The new clause 7(c) of Rule XII establishes that the statement must be as “specific as practicable,” and must be attached to the bill when it is dropped in the hopper for introduction.³

A sponsor may reclaim a measure he or she has placed in the hopper from the clerk so long as the measure has not been assigned a number and referred to committee (a process that normally takes one day). Once a measure has been numbered and referred, 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.

In the first days of a new Congress, hundreds of bills and resolutions are introduced. Measures are numbered sequentially and Representatives may seek to reserve numbers, as these are sometimes seen as providing a shorthand meaning to the legislation, or having some other symbolic meaning. In recent Congresses, the House has ordered that bill numbers H.R. 1 through H.R. 10 be reserved for the majority leader and numbers H.R. 11 through H.R. 20 be reserved for the minority leader.⁴

² See W[illia]m Holmes Brown, *House Practice: A Guide to the Rules, Precedents and Procedures of the House*, 104th Cong., 1st sess., (Washington: GPO, 1996), chapter 27, §1, p. 547.

³ For the constitutional authority form, see HouseNet link, at <http://legcoun.house.gov/members/cas.html>. For further information on the kinds of authority that could be cited to meet this requirement, see CRS Report R41548, *Sources of Constitutional Authority and House Rule XII, Clause 7(c)*, by Kenneth R. Thomas, as well as guidance issued from the House Legislative Counsel, at http://legcoun.house.gov/members/HOLC/Resources/const_auth_statement.html.

⁴ See Rules of the House of Representatives, in *House Manual, One Hundred Twelfth Congress*, H.Doc. 111-157, 111th Cong., 2nd sess., [compiled by] John V. Sullivan, Parliamentarian (Washington: GPO, 2011), §825, pp. 619-621.

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