STRUCTURE OF A BILL

The following is an example of a bill, and below it is an explanation of each part.

Title: An Act to Restrict Any Means of Federal Funding for Human Cloning.

Sponsored by Senator Rueddiger J. Simpson

Be It Hereby Enacted by the House of Representatives and Senate in Congress Assembled:

Preamble: Whereas the importance of being an individual is valued and demonstrated every day and everywhere in the United States of America, and the process of cloning an entire human or embryo would exploit equality;

Section 1: For the purpose of this bill, cloning shall be defined as the creation of an identical copy of a human being or an embryo;

Section 2: Any attempts to clone a human being or an embryo will be subject to federal penalties:
   a. Attempts to clone humans shall also result in loss of federal funds;
   b. Federal penalties shall be determined specifically for each instance;

Section 3: Cloning may be used for medical necessities only. This includes the recreation of organs, tissues, and membranes. However, the brain, brain tissues, and brain stem may not be recreated in any form. A human embryo may not be cloned;

Section 4: This bill shall take effect ninety-one days after passage.

Sponsor: The names of the sponsors go here. Make sure to call yourself Senator.

Title: The title of the bill usually starts with “An Act to...” and then goes on to state, very briefly, the main goal of the legislation.

Preamble: This section starts with “Whereas” and briefly explains the reasons your bill is necessary. Do not let your preamble become more than one sentence. Some people will write essays in their preambles. This is a bad idea. Short and sweet is best.

Formal Preamble: “Be It Hereby Enacted by the House of Representatives and Senate in Congress Assembled:” starts off any bill, which is treated as one very long, run-on sentence – note the semicolons after each section.

Section 1: If necessary, define ambiguous or controversial terms up front, so that what exactly the bill is referring to is clear. If this is not done, the debate can degenerate into arguments over what precisely is meant by cloning or euthanasia, a situation, which is good for no one.
Other Sections: This is the main portion of the bill, where you describe, in precise detail, what you want done. The importance of clarity and precision in bill writing cannot be overemphasized. Vague legislation is automatically weak – be specific.

Subsections: These are smaller sections titled a., b., and so on, within a larger section. They elaborate on what is said in the main section. It is considered bad practice to have only one subsection in a particular subsection. If absolutely necessary, it is permissible to create sub-subsections, titled with lower case Roman numerals like this i., ii. iii.

Ending Sections: If what you want your bill to do costs money, you may use the second to last section to address where funding will come from. However, this is not a necessity. The last section of the bill must be, without exception, what is known as an enactment clause. This reads “This bill will take effect (certain amount of time) after passage”. The certain amount of time you choose is up to you. Legislation that goes into effect less than ninety-one days after passage is considered emergency legislation and needs a two-thirds majority to pass rather than a simple majority. This obviously makes it much more difficult for your bill to pass, and you should not make your bill emergency legislation unless you are absolutely convinced that the country cannot possibly wait ninety-one days. If you were enacting sweeping changes, such as reforming the entire federal bureaucracy, it would be wise to give the nation more time to implement your changes.
WRITING BILLS

1. There is no specific minimum or maximum for the length of a bill. However, the odds are that, if the bill is half a page long, it is too short. The cloning bill shown above, for example, is too short. It does not adequately spell out what is to be done. Writing a good piece of legislation requires research and effort. If research and effort can be condensed into half a page, that is fine, but usually it cannot. When thinking about a maximum keep in mind only the amount of time available for the debates.

2. Bills should include only what you want to do, not why you want to do it. Reasons, arguments, and explanations should be saved for the debate.

3. A great resource for bill writing is to look at actual legislation on your subject written and proposed in Congress. These real bills are several orders of magnitude larger and more complex than is appropriate for model congress, but members of Congress often look at issues from points of view that are not readily obvious. In reading a real bill you may find issues associated with your subject that you hadn’t thought of and should be included in your bill. It should go without saying that outright copying of these bills is totally unacceptable.

4. The power of the federal government is an issue that comes up in a majority of debates. When writing your bill, make sure that you do not overstep the authority of Congress or the federal government in general. This issue can be critical to the success of your bill. Many people will vote against a bill they would otherwise support if they consider it against the Constitution or traditional ideas of states’ or individuals’ rights.
WRITING RESOLUTIONS FOR CONGRESS

Resolutions in Congress are similar to resolutions in the United Nations. They do not direct, order, or forbid. They state the opinions and views of the Congress and can recommend and urge that things be done. The format of a resolution is identical to that of a bill with the following exceptions:

1. The title says “A Resolution to...” instead of “An Act to.”

2. “Be It Hereby Enacted by the House of Representatives and Senate in Congress Assembled” becomes “Be It Hereby Resolved by the House of Representatives and Senate in Congress Assembled.”

3. There is no enactment clause, since no action is actually being taken.

4. Do not mandate anything, only recommend, suggest, and state the views of Congress.

After reading this restriction, many people wonder why anyone would choose to write a resolution instead of a bill. After all, why not force people to do things instead or ask them to? As an answer to this question first keep in mind that the United States Congress is very powerful and therefore its views are not at all ignored. A commendation or a condemnation by Congress is a very powerful way to get things done or not done. Secondly, a resolution writer is freed from some of the restrictions that bill writer’s work under. It is difficult for opponents of a measure to convince others that legislation is unconstitutional if it does not officially take action. Resolutions are also sometimes used to get around the perennial states’ rights argument. For example, say a senator wishes to write legislation regulating practices in public schools. Education is traditionally a responsibility of the states, so a bill directly regulating education could be considered against states’ rights. As an alternative, he could write a resolution outlining what he wants to see done and urge that all states adopt the measures. He could also recommend that states, which do not comply, should have their federal highway funds revoked. These are funds that the federal government gives most states and sometimes uses as leverage over the states. This is, for example, how the federal government convinced the states to raise the drinking age from eighteen to twenty-one. However, a few states, such as Louisiana, do not get any federal highway funds, and this strategy should not be considered an invitation to ignore local rights. A resolution, at its best, firmly states the opinion of Congress on an issue and outlines what Congress would like to see done about the issue.
WRITING CONSTITUTIONAL AMENDMENTS

Constitutional Amendments are changes or additions to the United States Constitution. They are not to be taken lightly as there have only been 27 changes to the entire document since its enactment -- and that includes the Bill of Rights. Because Amendments are so serious, they require a 2/3 vote of the chamber to pass; and then 3/4 of the states would have to ratify the Amendment before it was accepted.

1. The title says “An Amendment” instead of “An Act to.”

2. "Be It Hereby Enacted by the House of Representatives and Senate in Congress Assembled" becomes "Be It Hereby Amended by the House of Representatives and Senate in Congress Assembled."

3. No need for a ratification clause. Unless otherwise specified, enactment occurs upon ratification by 3/4 of the states.

AMENDING LEGISLATION

Congress uses the word "amendment" twice, and it can be very confusing. An Amendment (capital "A") is a change to the Constitution. An amendment (small "a") is a change to a piece of legislation after it has already been introduced. This applies to bills, resolutions, and yes, proposed Amendments. This section of the HHS Debate Guide applies to the latter kind of amendment. Amendments are appropriate if you like the bill/resolution in general but feel it needs some minor change. It is frowned upon to write an amendment that negates the entire bill or is a complete rewrite of the bill. If the bill is that bad, it is best to vote against it and/or write a whole new one. Amendments should also not be used to correct small issues like punctuation or grammar – these are technical points (see points and motions section).

In order to submit an amendment for consideration, it is necessary to write out exactly how you want to change the bill. Specify if you are deleting existing language or if you are adding a section. Once you have written your amendment, it is a good idea to show it to the sponsor of the bill to determine if it will be friendly or unfriendly. An amendment is considered friendly when all the sponsors are in favor, and it is automatically incorporated into the legislation when the chair recognizes it. An amendment is unfriendly if any of the sponsors are opposed. If this occurs, the chair will recognize the sponsor of the amendment to speak for one minute in favor of the amendment and then recognize a sponsor of the bill to speak for one minute against. A vote is then held on the amendment, needing a two-thirds majority to be included in the bill over the sponsor’s objections. If an unfriendly amendment fails, it is possible to compromise with the sponsor of the bill on some modified form, which may be resubmitted to the chair. However, chairs will not recognize amendments that are the same or nearly the same as amendments previously submitted. They will also generally not recognize amendments that undo changes made in previous amendments to the bill.