

**APPENDIX A—STATUTORY CHARTER OF THE OFFICE OF THE
LEGISLATIVE COUNSEL, UNITED STATES SENATE**

STATUTORY CHARTER OF THE OFFICE OF THE LEGISLATIVE COUNSEL, UNITED STATES SENATE, AS FOUND IN TITLE 2, UNITED STATES CODE

CHAPTER 9—OFFICE OF THE LEGISLATIVE COUNSEL

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SUBCHAPTER I—SENATE

§271. Establishment

There shall be in the Senate an office to be known as the Office of the Legislative Counsel, and to be under the direction of the Legislative Counsel of the Senate.
Feb. 24, 1919, c. 18, §1303(a), (d) 40 Stat. 1141; June 2, 1924, c. 234, Title XI, §1101, 43 Stat. 353.

§272. Legislative Counsel

The Legislative Counsel shall be appointed by the President pro tempore of the Senate, without reference to political affiliations and solely on the ground of fitness to perform the duties of the office.
Feb. 24, 1919, c. 18, §1303(a), (d), 40 Stat. 1141; June 2, 1924, c. 234, Title XI, §1101, 43 Stat. 353; Sept. 20, 1941, c. 412, Title VI, §602, 55 Stat. 726.

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§274. Staff; office equipment and supplies

The Legislative Counsel shall, subject to the approval of the President pro tempore of the Senate, employ and fix the compensation of such Assistant Counsel, clerks, and other employees, and purchase such furniture, office equipment, books, stationery, and other supplies, as may be necessary for the proper performance of the duties of the Office and as may be appropriated for by Congress.
Feb. 24, 1919, c. 18, §1303(a), (d), 40 Stat. 1141; June 2, 1924, c. 234, Title XI, §1101, 43 Stat. 353; Sept. 20, 1941, c. 412, Title VI, §602, 55 Stat. 726.

HISTORICAL AND STATUTORY NOTES

Designation of Deputy Legal Counsel

Pub. L. 106-57, Title I, §6, Sept. 29, 1999, 113 Stat. 412, provided that: "The Legislative Counsel may, subject to the approval of the President pro tempore of the Senate, designate one of the Senior Counsels appointed under section 102 of the Legislative Branch Appropriations Act, 1979 (2 U.S.C. 274 note; Public Law 95-391; 92 Stat. 771) as Deputy Legislative Counsel. The Deputy Legislative Counsel shall perform the functions of the Legislative Counsel during the absence or disability of the Legislative Counsel, or whenever the office is vacant."

§275. Functions

The Office of the Legislative Counsel shall aid in drafting public bills and resolutions or amendments thereto on the request of any committee of the Senate, but the Committee on Rules and Administration of the Senate may determine the preference, if any, to be given to such requests of the committees. The Legislative Counsel shall, from time to time, prescribe rules and regulations for the conduct of the work of the Office for the committees, subject to the approval of such Committee on Rules and Administration.
Feb. 24, 1919, c. 18, § 1303(b), (d), 40 Stat. 1141; June 2, 1924, c. 234, Title XI, §1101, 43 Stat. 353; Aug. 2, 1946, c. 753, Title I, §§ 102, 121, 60 Stat. 814, 822.

§276. Disbursement of appropriations

All appropriations for the Office of the Legislative Counsel shall be disbursed by the Secretary of the Senate.

Feb. 24, 1919, c.18, Title XII, §1303 (c), (d), 40 Stat. 1142; June 2, 1924, c. 234, Title XI, §1101, 43 Stat. 353.

§276a. Expenditures

With the approval of the President Pro Tempore of the Senate, the Legislative Counsel of the Senate may make such expenditures as may be necessary or appropriate for the functioning of the Office of the Legislative Counsel of the Senate.

Pub. L. 98-51, Title I, §105, July 14, 1983, 97 Stat. 267.

§276b. Travel and related expenses

Funds expended by the Legislative Counsel of the Senate for travel and related expenses shall be subject to the same regulations and limitations (insofar as they are applicable) as those which the Senate Committee on Rules and Administration prescribes for application to travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

Pub. L. 98-51, Title I, §106, July 14, 1983, 97 Stat. 267.

APPENDIX B—SUMMARY DESCRIPTION OF THE OFFICE OF THE
LEGISLATIVE COUNSEL, UNITED STATES SENATE, AS OF
JANUARY 2000

OFFICE OF THE LEGISLATIVE COUNSEL UNITED STATES SENATE

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Gretchen E. Walter
Staff Assistants

THE OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

Establishment of the Office

The Office of the Legislative Counsel was established by statute in 1919. The Legislative Counsel of the Senate is appointed by the President pro tempore of the Senate solely on the basis of his or her qualifications to perform the duties of the position. The Legislative Counsel is authorized to appoint Senior Counsels, Assistant Counsels, support staff, and other employees, to establish salaries, and to otherwise administer the Office. All appointments are made without regard to political affiliation and are subject to the approval of the President pro tempore of the Senate.

Duties

The Legislative Counsel assists "in drafting public bills and resolutions or amendments thereto" upon the request of any Senator, committee, or office of the Senate.

Character of Services Provided

The Office performs a variety of services relating to the preparation and review of proposed legislation. The Office routinely drafts original measures for introduction in the Senate. The measures range from simple private relief bills to omnibus measures of considerable technical complexity. Frequently, the Office is called upon to review drafts of bills prepared in executive agencies and elsewhere, and to make such revisions as may be necessary for technical sufficiency, before introduction in the Senate.

Much of the work of the Office is done at the committee and subcommittee levels. The Office routinely assists subcommittee members in the preparation of amendments required to effectuate policy decisions made by the subcommittee during its consideration of a measure and in the preparation of the amended measure for reporting to the full committee. Similar assistance is provided to members of the staff of the full committee before the measure is reported for floor action. Assistance also is given in the preparation of any floor amendments by committee members or other Senators. If a conference is requested on a measure, assistance is provided in the preparation of the conference report.

In addition to the preparation and review of proposed legislation, the Office is often consulted by members of the staffs of committees and subcommittees, and by members of the staffs of Senators. Such consultations occur regarding possible legislative solutions to particular problems, technical questions of substantive and procedural law, and the mechanics of preparation and the technical and legal accuracy of committee reports.

Policies Governing the Performance of Duties

Attorneys in the Office are not involved in the formulation of legislative policy. In order to draft a measure or amendment that is technically effective to carry out the intent of the committee or Senator concerned, however, attorneys must be able to ascertain the desired policy accurately and in adequate detail.

The Office serves the committees of the Senate and individual Senators without regard to political considerations. The Committee on Rules and Administration of the Senate establishes the order of priority to be given by the Office to requests for service. The order of priority currently in effect is as follows: (1) measures in conference; (2) amendments to measures pending on the floor of the Senate; (3) amendments to measures pending before committees; and (4) preparation of measures for introduction in the Senate. Within each of these categories, the Office gives priority to a request according to the time it is received by the Office.

All service is provided on a confidential basis, and care is taken to prevent any violation of confidence.

Responsibilities of the Legislative Drafter

Legislative drafting in the Congress is an exacting occupation. Effective drafting requires careful analysis of the legal problems involved, arrangement of matter in a logical sequence, and accurate expression of the concepts set forth. Constitutional limitations must always be observed. Most legislative proposals deal with matters which have been the subject of one or more previous enactments. A new measure must be carefully related to earlier enactments to produce, as far as possible, a consistent body of law which will achieve the congressional purpose without producing unintended consequences. Often, the drafter must work under severe time limitations.

The volume of work of the Office continues to increase steadily. In the 105th Congress, the Office completed more than 31,000 drafting jobs. Moreover, the drafting of new legislation is becoming increasingly more difficult and time-consuming due to the addition of a number of new subjects of Federal legislation and the increasing technical complexity of Federal statutory law.

Staff

There are currently 27 attorneys in the Office. Attorneys skilled in the specialty of congressional legislative drafting cannot be recruited from outside sources. They must be developed within the Office over a period of years. When vacancies occur in the legal staff of the Office, new attorneys are usually chosen from among applicants who have superior law school records and who are interested in public service.

The support staff of the Office is composed of an Office Manager, an Assistant Office Manager, 6 staff assistants, and a receptionist.

Because the Office provides technical legal services on a nonpolitical and confidential basis, and must be impartial in appearance as well as in fact, active public participation in political matters which would give cause to question such impartiality is regarded as a disqualification for appointment or retention. No change in personnel of the Office has resulted from any change in political control of the Senate.

Promotion Policies

An initial appointment of an attorney is provisional, and is made with the title of Staff Attorney. After demonstrating the ability to meet the standards of our legal staff, an attorney is promoted to the position of Assistant Counsel.

During the service of a new attorney as a Staff Attorney, all work is reviewed by a more experienced member of the staff. Thereafter, an attorney is expected to assume full responsibility for his or her work without routine review, but to consult with other members of the staff as may be necessary for the solution of particular problems. As a new attorney gains experience and skill, he or she is given primary responsibility for service with respect to an increasing number of areas of Federal law.

**APPENDIX C—MATCHING LEGISLATIVE LANGUAGE WITH
LEGISLATIVE VEHICLES**

LANGUAGE

	Function or Mode		Legal Effect		
	"Free Standing"	Amendatory	Mandatory (or Obligatory)	Authorizing (or Discretionary)	Hortatory (or Precatory)
Bill	Yes	Yes	Yes	Yes	Yes ¹
J. Res.	Yes	Yes	Yes	Yes	Yes ¹
Con. Res.	Yes	No ²	No ³	No ⁴	Yes
Res.	Yes	No ²	No ³	No ⁴	Yes
Amdt.	*	*	*	*	*

LEGISLATION

Exceptions:

- 1: Denotes that these legislative measures should take some language other than hortatory.
- 2: Resolutions may amend prior resolutions.
- 3: Resolutions may mandate matters internal to Congress.
- 4: Resolutions may authorize matters internal to Congress.
- *: Dependent on the legislative measure to which the amendment is proposed.

Prepared by
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APPENDIX D—HOW A SENATE BILL BECOMES LAW

HOW A SENATE BILL BECOMES LAW

(As diagrammed by Arthur J. Rynearson, Esq.)

