

THE POWERS OF CONGRESS

When writing legislation or considering what action to take to remedy a problem, one must consider the limitations on and the extent of Congress's power. The powers of Congress are derived from the Constitution's Article I, Section 8:

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

- To borrow money on the credit of the United States;
- To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;
- To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;
- To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;
- To provide for the punishment of counterfeiting the securities and current coin of the United States;
- To establish post offices and post roads;
- To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;
- To constitute tribunals inferior to the Supreme Court;
- To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;
- To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;
- To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
- To provide and maintain a navy;
- To make rules for the government and regulation of the land and naval forces;
- To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;
- To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;
- To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;--And
- To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

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

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.