

An abstract graphic consisting of several thin, black, overlapping lines that form various geometric shapes and polygons, primarily located in the upper left and center of the page.

# DRAFTING LEGISLATION

PRESENTATION FOR PAC  
MAY 14, 2025

# AGENDA

Introduction

Starting with an idea

Shape the policy

Sitting down to draft

Questions

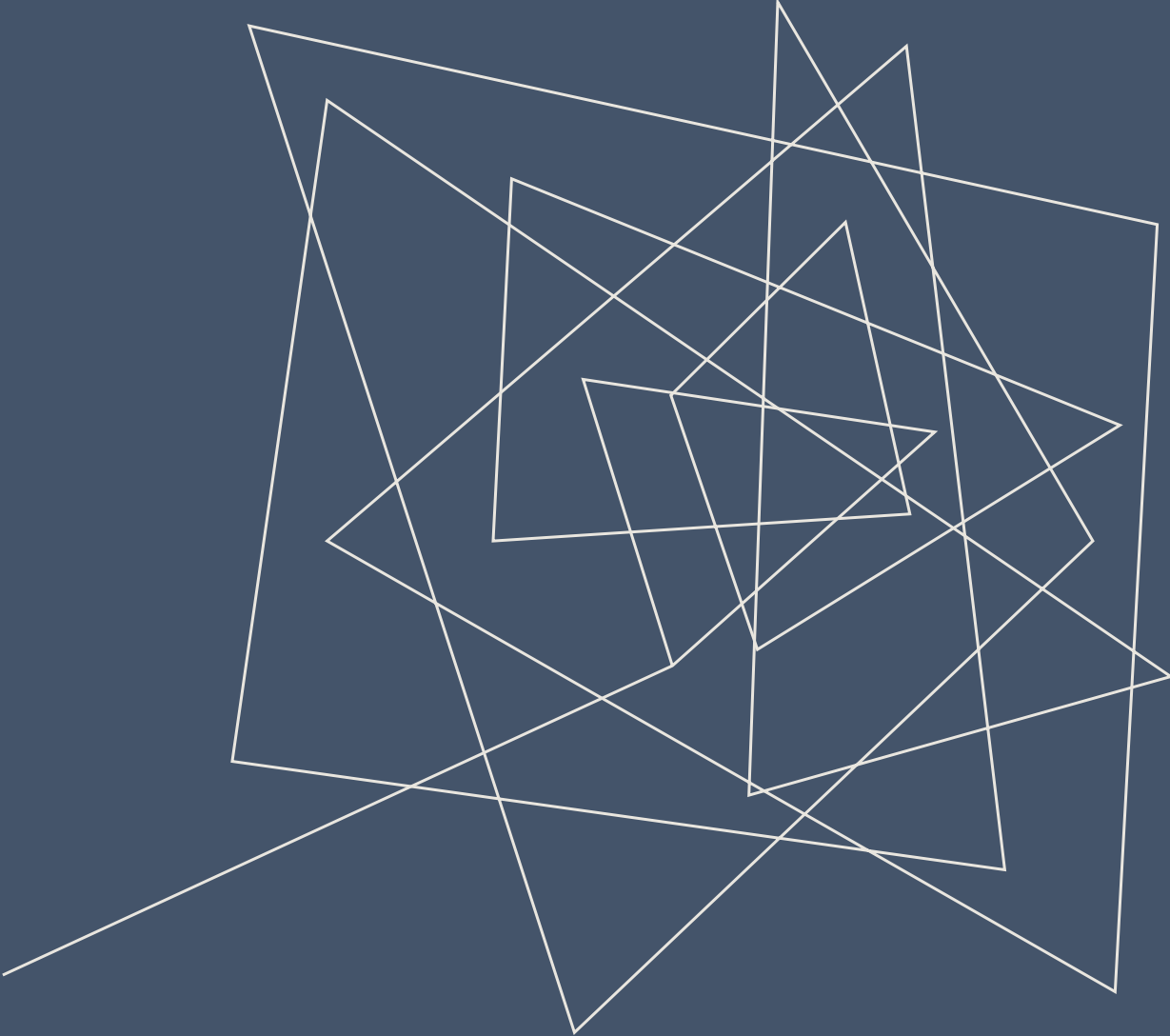
# INTRODUCTION

## **About Me**

- Federal Policy Counsel at the Center for Reproductive Rights
- Experience in private practice, clerking, and in congress

## **Policy x Law**

- Legislation as the marriage between policy and law
- Drafting legislation is one of the most creative applications of the law



STARTING WITH  
AN IDEA

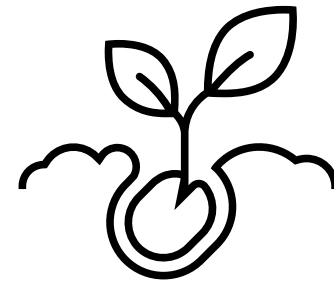
# A SOLUTION TO A PROBLEM

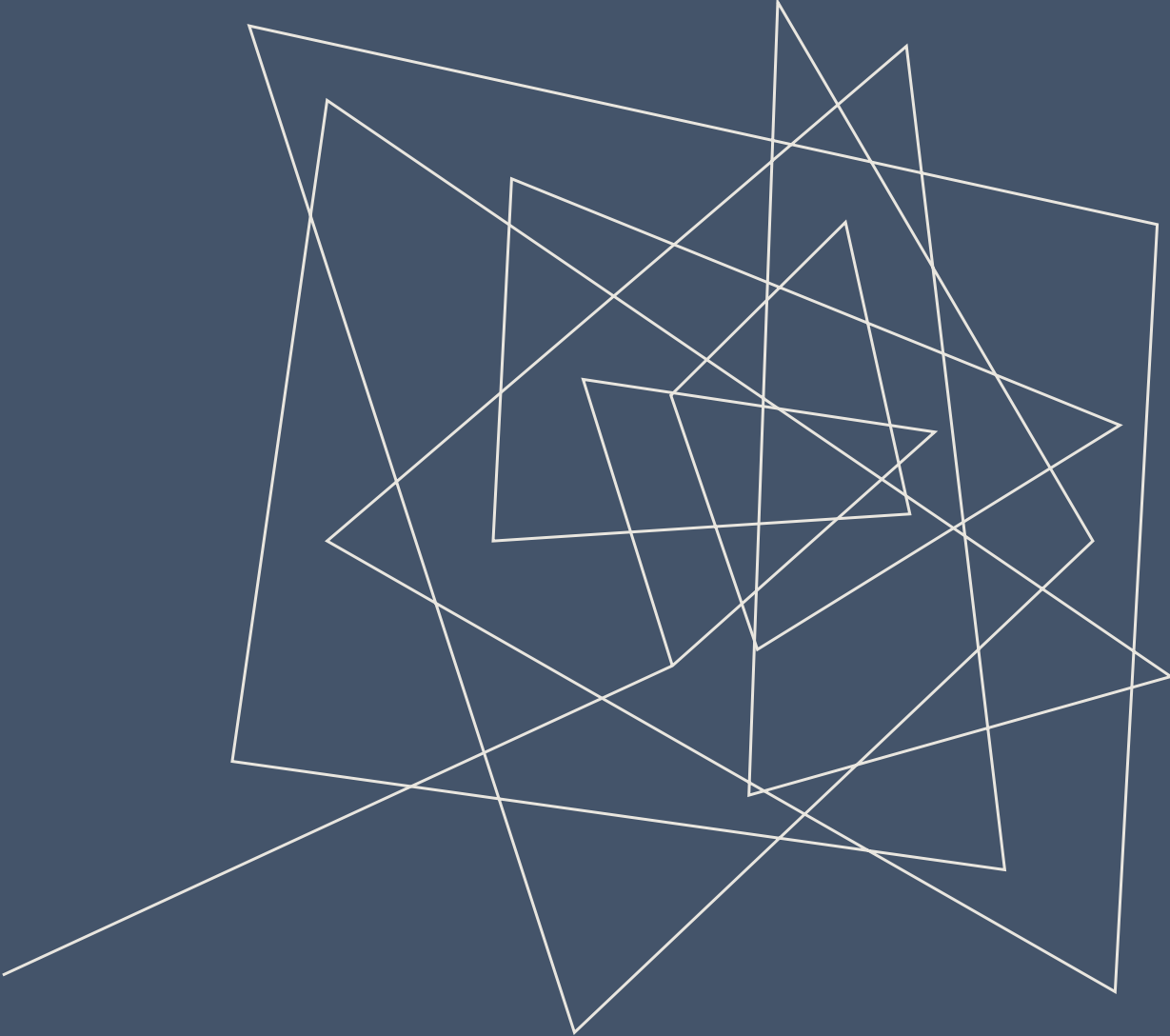
## Where do ideas come from?

- Members
  - Staff
  - Constituents
- President and executive branch agencies
- Outside groups

**Legislation always begins with a problem**

**The real work comes in identifying a solution to a problem**





SHAPE THE  
POLICY

# SHAPING POLICY WITH AN EYE TOWARDS DRAFTING

## **Do your research**

What similar bills, laws, and regulations cover the issue?

What's the constitutional hook for congressional authority?

- Commerce, Taxing, Spending, 14A Sec. 5, etc.

Are there constitutional barriers or other precedents that could be an issue?

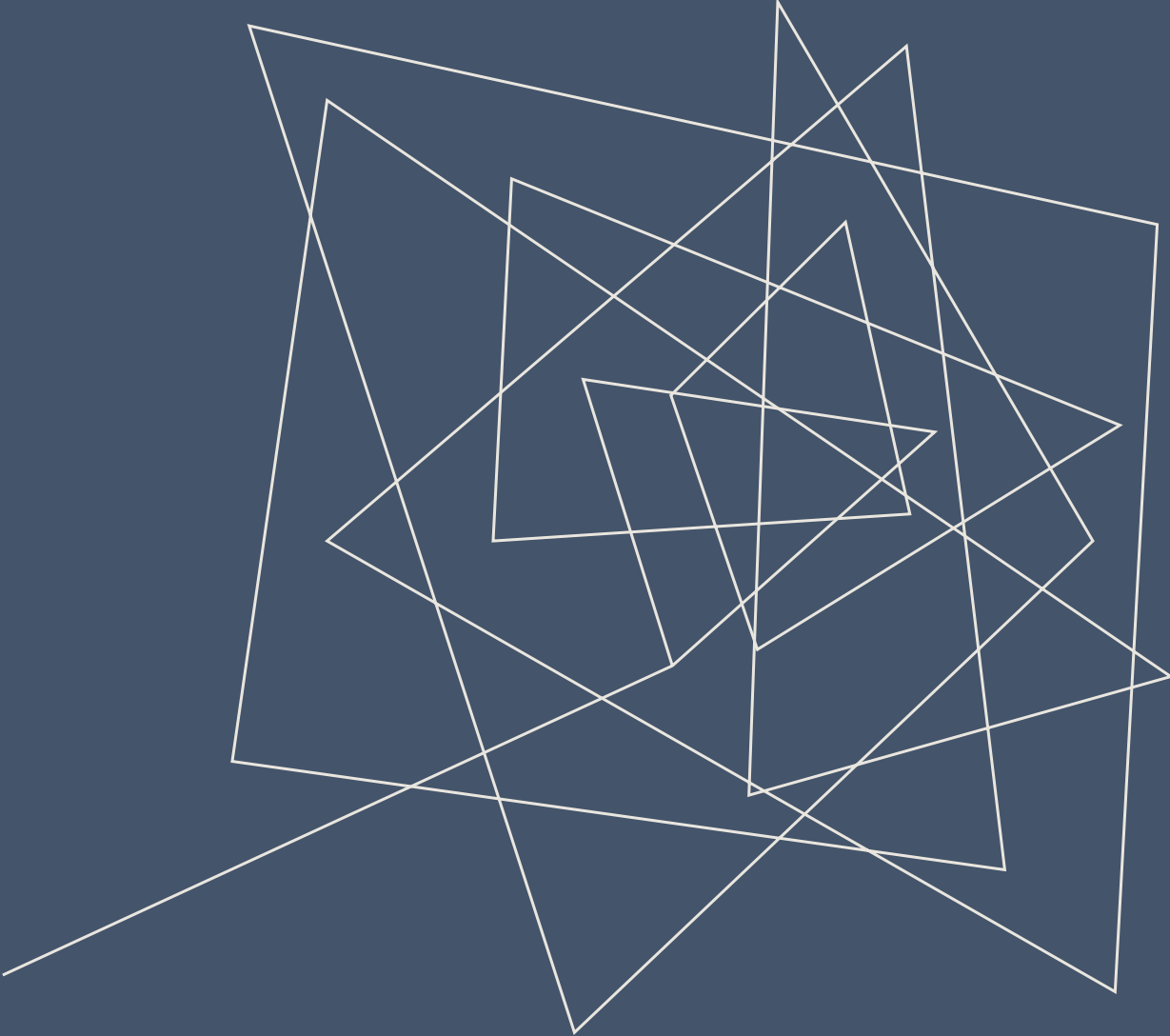


## **Make decisions**

To whom does it apply?

How will it be administered?

How will it be enforced?



SITTING DOWN TO  
DRAFT





## THE PEOPLE

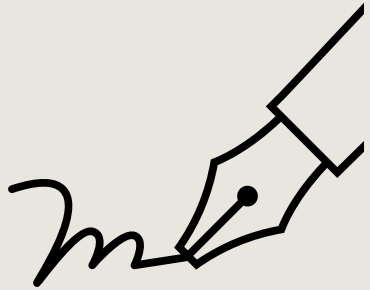
### **Drafters**

Staff

Legislative counsel

Executive branch

Outside groups



### **Key Influencers**

Members

Committee staff

Leadership

Executive branch

Outside groups

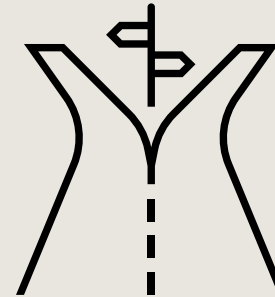
# THE FORM

## Trade-off decisions

- Amendment vs. Standalone
- Expansive vs. Narrow
- Detailed vs. Delegated

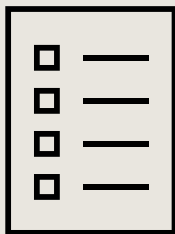
## Other considerations

- Appropriations
- Committee of jurisdiction
- CBO Score



# THE TEMPLATE

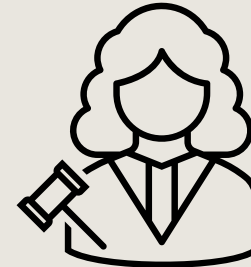
House Legislative Counsel  
Template



- General rule: State the main message.
- Exceptions: Describe the persons or things to which the main message does not apply.
- Special rules: Describe the persons or things to which the main message applies in a different way or for which there is a different message.
- Transitional rules.
- Other provisions.
- Definitions.
- Effective date (if appropriate).
- “Authorization of appropriations” provisions (if appropriate).

## THE TEXT

- **Be clear, concise, precise**
- **Weave in your viewpoint**
- **Pressure test**
  - Applications of the law
  - Agency implementation of the law
  - Challenges to the law





# STATUTORY INTERPRETATION

## Constitutional

- Textualism
- Purposivism
- Legislative history
- Agency delegation doctrines

## Textual Canons

- Plain meaning
- Linguistic canons: *eiusdem generis*, *noscitur a sociis*, *expressio unius*
- Rule against surplusage
- Whole Act
- Whole Code

## Substantive Canons

- Constitutional avoidance
- Clear statement rule
- Presumption against preemption
- Rule of lenity

The image features a dark blue background with a series of white, overlapping geometric lines on the left side, creating an abstract, layered effect. The lines form various shapes, including triangles and polygons, some of which are nested within others.

# QUESTIONS?

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