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How Bills Amend Statutes

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Many bills proposed in Congress address subjects on which previous law already exists. This fact sheet identifies and explains some common forms in which bills may express their intended relation to existing statutes. It does not present guidance for drafting legislation; for that purpose, recourse to the Office of Legislative Counsel of the Senate or House is appropriate. For more information on legislative process, see [http://www.crs.gov/products/guides/guidehome.shtml].

Ways of Affecting Existing Law. A bill (or joint resolution) may propose to affect existing law either explicitly, by amending its provisions, or implicitly, by superseding it. Only the first method can directly alter the text of the law, and a bill often may most clearly identify its intended relation to existing law if it is formulated explicitly as amending that law. A proposed amendment to existing law may (1) insert new text, (2) strike text, or (3) strike text and insert new text in its place. (These three forms that amendments to law may take parallel the three forms that floor amendments to a bill may take.) (1) By *inserting* new provisions, an amendatory bill can supplement existing law. A bill that does not explicitly amend existing law may also have such an effect. (2) By *striking out* provisions, an amendatory bill can repeal existing law. A bill that does not explicitly strike out any text of existing statutes repeals nothing, but may still have the effect of superseding existing provisions. (3) By *striking and inserting,* an amendatory bill may make specific alterations or modifications in provisions of existing law. In general, this effect may be possible only through explicit amendment.

Supplementing or Superseding Existing Law. If a bill proposes to enact certain provisions, but does not explicitly amend existing law on the same subject, then the intended relation between bill and law can be ambiguous. The resolution of these ambiguities may come through juridical or administrative interpretation. In the absence of clear conflict between an existing and a new provision, courts normally presume that the two are intended to be read together, and attempt to give both the fullest effect possible. In that case the provisions in the new law would be interpreted as additional to the previously existing ones. By contrast, an earlier enactment may always be superseded by a later one, so that, if a new enactment is interpreted as conflicting with existing provisions of statute, the new provisions may be held to supersede the earlier ones.

A bill may be able to avoid ambiguities of this sort if it is formulated as explicit amendments to existing law. Alternately, a bill may preface new provisions being added to law with such a phrase as, "notwithstanding any other provision of law." Such a phrase

tends to imply that the new language is intended to supersede any conflicting provisions of previous law. This broad phrase, however, does not specify which provisions it is meant to refer to, and may therefore have unforeseen consequences for both existing and future laws.

Altering Existing Law. When a bill explicitly proposes to modify or alter provisions of existing law, it generally must identify specific statutory language to be stricken out, and set forth language to be inserted in lieu thereof. It may identify each separate point in existing statutes at which text is to be stricken out and, for each, set forth text to be inserted. Alternately, it may propose to strike out an entire provision, then set forth, to be inserted in lieu, a new text, incorporating all the changes in language desired at every point in the provision. Finally, a bill may simply provide that a specified provision "be amended so as to read" in the way specified by text that follows. These last approaches may make it easier to see the overall effect of the new version, but, at the same time, harder to see what changes would occur from previously existing law.

Whichever approach is used, House Rule XIII, clause 3(e)(1) (the "Ramseyer Rule") and Senate Rule XXVI, paragraph 12 (the "Cordon Rule") require that, when a committee reports a bill amending existing law, it must provide, in its report or otherwise, a "comparative print" showing how the bill would alter that law. This comparative print can be of great aid in ascertaining the intended effect of amendatory legislation.

Forms of Citation. Amendments to existing law must be made to the official evidence of the law, which is ordinarily a statute as set forth in the bound *Statutes at Large*. A bill may identify a statute by short title, public law number (e.g., P.L. 101-987), and perhaps citation in the *Statutes at Large* (e.g., 123 Stat. 456). However, where Congress has re-enacted a group of statutes in codified form (i.e., as a title of the *United States Code*), further amendments to that law must be made directly to that title (e.g., 50 U.S.C. section 234b). An act that has already been amended by previous subsequent enactments may sometimes be cited in the form, "the XYZ Act of 19 — , as amended." Specific provisions of an act are identified by section number (or by the designations of other, smaller or larger, subdivisions of the act).

When a bill amends an existing statute, section numbers of the bill will not generally correspond to those of the statute being amended. For example, section 102 of a *bill* may set forth a rewritten version of section 203 of some existing *act*. In general, in this context, section numbers within quotation marks will refer to provisions of a cited existing law; those having none designate the sections of the bill itself.

The short title of a bill that proposes to amend existing law may sometimes identify it as such, for example, "Clean Water Act Amendments of 20 — ." Bills identified as "reauthorizations," too, generally include amendments to the previous law being reauthorized. They typically extend existing programs either (1) by amending provisions of statute that specify a fixed expiration date (including what are sometimes called "sunset provisions"), or (2) by inserting text covering additional fiscal years into provisions of statute that authorize appropriations for the programs. These "reauthorizing bills," however, frequently also include provisions making substantive alterations in the programs in question, by amending existing statutory language governing them.

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The Declaration of Independence
The Constitution of the United States
The Bill of Rights
Amendments XI–XXVII

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