

CRS Report for Congress

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Engrossment, Enrollment, and Presentation of Legislation

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Engrossment, enrollment, and presentation of legislation are components of the legislative process that attest to the accuracy of bill texts, confirm House and Senate action, and confirm delivery of the bills to the President for review. See this CRS website [<http://www.crs.gov/products/guides/guidehome.shtml>] for more information on legislative process.

Engrossment

When either house orders the third reading of a bill, it simultaneously orders the engrossment of the bill. Engrossment is the formal reprinting of the bill in the form upon which the chamber will vote final passage. (In earlier times, such bills were handwritten in very large script, hence the term “engrossment.”) The official engrossed copies are prepared by staff in the Office of the Clerk of the House and the Office of the Secretary of the Senate. The clerk’s or secretary’s signature attests to the passage of the measure and the accuracy of the engrossed text. The House-engrossed measures (including amendments to bills passed by the Senate) are printed on blue paper; the Senate prints its engrossed measures on white paper. If either chamber later discovers errors in one of its engrossed measures, it must pass a resolution formally requesting the other chamber to return the engrossed bill or resolution to it for correction. House rules changes in 2001 (H.Res. 5, agreed to January 3, 2001) permit the electronic publication of engrossed and enrolled bills and now give the Clerk (instead of the House Administration Committee) the responsibility to certify their accuracy.

An engrossed bill is “messed” by the originating house to the other; the second chamber, to act, attaches the text of whatever engrossed amendments it adopts to the original measure it has received from the first.

Enrollment

An enrolled bill is the final version of a measure agreed to by both chambers. Enrolled bills are printed on parchment and then signed first by the Speaker of the House and secondly by the President of the Senate, or the formally designated Senate presiding officer. Preparing and signing enrolled bills may take significant time, especially at the end of a Congress when many such bills must be prepared. The Speaker and the Senate

presiding officer must sign enrolled bills while their respective chambers are in session, unless permission has been granted in advance for them to sign during recesses or adjournments. Sometimes air couriers deliver enrolled bills to these officials when they are away from the capital. A formally designated Speaker *pro tempore* may sign enrolled bills in the Speaker's absence; the Senate President *pro tempore* may designate in writing another Senator to sign enrolled bills in his or her absence. When the officials from both chambers have signed an enrolled bill, the measure is sent the President. There is no deadline within which Congress must submit an enrolled bill to the President. In the 106th Congress, H.R. 2466, the FY2000 Interior Appropriations bill, was passed by both chambers on October 21, 1999, but was never submitted to the President when passage of other measures made its enactment moot. In December 2000, action on H.R. 2466 was formally vitiated by a provision included in H.R. 4577 (the FY2001 Consolidated Appropriations Act, P.L. 105-554).

Both houses must pass a concurrent resolution to recall an incorrectly enrolled bill already sent to the President, or to make changes in the text of an enrolled bill still in the possession of the Congress. See, for example, H.Con.Res. 35 of the 108th Congress, directing the Clerk of the House to make technical corrections in the enrollment of H.J.Res. 2, the Consolidated Appropriations Act of FY2003.

Presentation

The Constitution (Art. 1, Sec. 7) provides that "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States." Enrolled bills are delivered to the White House and stamped to certify the date and time of their arrival. When the President has been overseas for long periods of time, Congress has sometimes agreed to present enrolled measures to him on his return; at other times, bills have been sent to him overseas.

If the President signs a bill during the 10-day period (excluding Sundays) provided in the Constitution for his review, it becomes law. If the President disapproves (vetoes) a bill, he must return it to the originating chamber with a message indicating his reasons for disapproval. If the President does not sign or return a bill during the 10 days, the bill becomes law, unless the Congress has adjourned during the 10 days, thereby making impossible the return of the bill (pocket veto). Some doubt exists about the President's power to pocket veto a bill during intra-session and inter-session adjournments. In 1974, the Circuit Court of Appeals ruled (*Kennedy v. Sampson*, 511 F.2d. 430 (D.C. Cir., 1974)) that a pocket veto was improper during an intra-session adjournment in which House and Senate administrative officers had been authorized to receive presidential messages. Many claim that Congress may also authorize its officers to receive messages, including vetoes, during any intra-session adjournment or after any inter-session adjournment. But, the Court has not ruled directly on this pocket veto-related issue.

Any attempt by Congress to deprive the President of his right to be presented with measures before they become law is constitutionally suspect. The Supreme Court ruled the legislative veto to be unconstitutional for this reason (*INS v. Chadha*, 462 U.S. 919, (1983)). Subsequently, in *Clinton v. City of New York*, (118 S. Ct. 2091 (1998)), the Supreme Court declared that procedures set up in the Line Item Veto Act (P.L. 104-30) also violated the presentment clause of the Constitution.