



Bill Presentment and the Pocket Veto at the Conclusion of a Congress

January 11, 2021

After the *sine die adjournment* of a Congress, Members and staff may inquire about the status of legislation passed and sent to the President in the days immediately prior to adjournment. This Insight provides information on the constitutional bill presentment period, options for presidential action and the pocket veto, and the resolution of a bill's status during this circumstance. It does not discuss [the controversy](#) over inter- or intra-session recesses and asserted pocket vetoes.

Bill Presentment

The U.S. Constitution ([Article I, Section 7](#)) provides that, for a bill to become law, it must be approved by both chambers of Congress and presented to the President for approval and signature. The President may sign a bill into law within a 10-day period (excluding Sundays), let the bill become law without signature, or veto the bill. This time period is referred to as the bill presentment period.

Only Sundays are excluded from the 10-day period; holidays are treated as any other calendar day. Additionally, as depicted in **Figure 1**, the day the bill is presented to the President is counted as day 0. The legislative status of a bill in Congress.gov [displays this action date](#) as “Presented to President.”

Figure I. Bill Presentment Period



Source: Excerpt from CRS Infographic IGI0007, *Presentation of Legislation and the Veto Process*, by Meghan M. Stuessy. The asterisk in the excerpt above directs the reader to CRS Report R44539, *Statements of Administration Policy*, by Meghan M. Stuessy, which discusses the Circular A-19 process.

Congressional Calendar

Questions may arise over whether the conclusion of a Congress and the beginning of a new Congress may shorten the 10-day period. The 10-day bill presentment period is measured in calendar days and is unaffected by the congressional calendar. For example, a bill presented to the President just prior to the January 3 conclusion of a Congress will still be eligible for presidential action after January 3.

Options for Presidential Action and the Pocket Veto

While a President may sign a bill into law at any point during the 10-day bill presentment period, a bill that the President has vetoed or taken no action on is impacted by the status of Congress. In such cases, the Constitution prescribes whether or not the bill becomes law. Article I, Section 7, reads in part:

If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

While [observers have questioned](#) what constitutes an appropriate adjournment preventing the return of a bill, both the legislative and executive branches agree that the *sine die* adjournment prevents the bill's return. If the President were to veto or take no action on the bill under such conditions, the bill would not become law because the congressional adjournment prevents the bill's return, and Congress cannot override either event. If the President takes no action on a bill during an appropriate adjournment of Congress, the bill is considered "[pocket vetoed.](#)"

For example, if a bill were to be presented to the President in the 116th Congress, and the bill presentment period extended beyond January 3, 2021, an unsigned bill could not be received by the since-concluded 116th Congress. A new bill and process to pass the measure would have to begin in the 117th Congress for it to become law.

Bill Status and Resources

Both the Congress and the White House maintain resources for checking the status of a bill. Searches may be conducted on [congress.gov](https://www.congress.gov) to check the status of a bill throughout the legislative process. A congress.gov search displaying bills still available for presidential action in 2021 may be [located here](#). Depending on the originating chamber of the bill, either the House or Senate Clerk may also be consulted to ascertain the bill's status.

The White House currently notifies the public of a change in a bill's status in press releases located at www.whitehouse.gov/news. Alternatively, staff may contact the White House Office of the Executive Clerk regarding a bill's status.

Public Law Status

Bills that have become law are [sent to the Archivist](#), the head of the National Archives and Records Administration (NARA), for [preparation and publication](#) in the *Federal Register*. Questions regarding the status of a public law may be directed to the [Office of the Federal Register](#) within NARA.

Author Information

Meghan M. Stuessy
Analyst in Government Organization and Management

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