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Engrossment, Enrollment, and Presentation of Legislation

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Summary

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Engrossment, enrollment, and presentation of legislation are components of the legislative process¹ that attest to the accuracy of bill texts, confirm House and Senate action, and confirm delivery of the bills to the President for review.

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.² House and Senate Rules require that all bills, amendments, and joint resolutions passed in each chamber must be examined by the Clerk of the House or Secretary of the Senate, as appropriate.³ 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 or secretary are required to attest to the accuracy of the engrossed text by signing the measures.⁴ 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 may adopt a resolution formally requesting the other chamber to return the engrossed bill or resolution to it for correction.

An engrossed bill is “messaged” by the originating house to the other; the second chamber to act attaches the text of whatever 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, printed on parchment or paper.⁵ Enrolled measures in the Senate are “examined under the supervision of the Secretary of the Senate, to see that the same are correctly enrolled.”⁶ In the House, the clerk, in cooperation with the Senate, examines “all bills and joint resolutions that have passed both Houses to see that they are correctly enrolled.”⁷ House-enrolled bills are also certified by the clerk as having originated in the House.⁸ Enrolled bills are then signed by the presiding officers of both chambers,⁹ with the Speaker typically signing the measure first.¹⁰ In the House, the Speaker may sign enrolled measures at any time.¹¹ A formally designated Speaker pro tempore, appointed with the approval of the House, may sign enrolled bills in the Speaker’s absence. The presiding officer of the Senate is authorized to sign enrolled measures when the Senate is in session. When a new Congress convenes, the Senate typically adopts by unanimous consent an order authorizing

¹ For more information on legislative process, see <http://www.crs.gov/products/guides/guidehome.shtml>.

² In earlier times, such bills were handwritten in very large script, hence the term “engrossment.”

³ House Rule II, cl. (2)(d)(2); and Senate Rule XIV, cl. 5.

⁴ 1 U.S.C. 106.

⁵ 1 U.S.C. 107.

⁶ Senate Rule XIV, cl. 5.

⁷ House Rule II, cl. (2)(d)(2).

⁸ Lewis Deschler, *Deschler’s Precedents of the United States House of Representatives*, vol. VII, H.Doc. 94-661, 94th Cong., 2nd sess. (Washington: GPO, 1977), p. 453. The clerk signs the back of an enrolled measure to certify that it originated in the House.

⁹ 1 U.S.C. 106.

¹⁰ See Floyd M. Riddick and Alan S. Frumin, “*Riddick’s Senate Procedure: Precedent and Practices*,” S. Doc. 101-28, 101st Cong., 2nd sess. (Washington: GPO, 1992), p. 830; and Deschler, *Deschler’s Precedents*, p. 453.

¹¹ House Rule I, cl. 4.

the President of the Senate, the President pro tempore, or any Senator¹² appointed by the President pro tempore to sign duly enrolled bills and joint resolutions during recesses and adjournments for the duration of that Congress.¹³

Both houses must adopt 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.¹⁴

When the officials from both chambers have signed an enrolled bill, the measure is sent by the clerk or secretary, as determined by the chamber from which the bill originated, to the President for his consideration. With the general exception of an expiration of a Congress, there is no specific deadline within which Congress must submit an enrolled bill to the President. Preparing and signing enrolled bills may take significant time, especially at the end of a Congress when many such bills must be prepared.

Presentation

The Constitution 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.”¹⁵ Enrolled bills are delivered to the White House by the Clerk of the House or Secretary of the Senate, as determined by the chamber in which the measure originated, and stamped to certify the date and time of their arrival. The clerk and secretary are also required to report the fact and date of presentation to the President to their respective chambers.¹⁶ When the President has been away from Washington, DC 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.

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, or 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,¹⁷ unless the Congress has adjourned during the 10 days, thereby making impossible the return of the bill (pocket veto).¹⁸ 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 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.¹⁹ Many claim that Congress may also authorize its officers to receive messages, including vetoes, during any intra-session

¹² The Senate President pro tempore may designate in writing another Senator to sign enrolled bills in his or her absence, but under Senate Rule I, cl. 3, this authority may not extend beyond an adjournment, except by unanimous consent.

¹³ See “Unanimous Consent Agreement,” *Congressional Record*, daily edition, Jan. 4, 2007, p. S8; and “Unanimous Consent Agreement,” *Congressional Record*, daily edition, Jan. 4, 2005, p. S7.

¹⁴ See H.Con.Res. 270, 110th Congress, making corrections in the enrollment of H.R. 1593 (Second Chance Act of 2007), adopted Mar. 11, 2008; and S.Con.Res. 112, 109th Congress, a concurrent resolution relating to correcting a clerical error in the enrollment of S. 3693 (A bill to make technical corrections to the Violence Against Women and Department of Justice Reauthorization Act of 2005), adopted July 20, 2006.

¹⁵ U.S. Constitution, Article I, sec. 7.

¹⁶ House Rule II, cl. (2)(d)(2); and Senate Rule XIV, cl. 5.

¹⁷ U.S. Constitution, Article I, sec. 7.

¹⁸ See also, CRS Report RS22188, *Regular Vetoes and Pocket Vetoes: An Overview*, by Kevin R. Kosar.

¹⁹ *Kennedy v. Sampson*, 511 F.2d. 430 (D.C. Cir., 1974).

adjournment or after any inter-session adjournment. The courts have 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 may be constitutionally suspect. The Supreme Court in 1983 ruled the legislative veto to be unconstitutional for this reason.²⁰ Subsequently, in 1998, the Court declared that procedures set up in the Line Item Veto Act (P.L. 104-30) also violated the presentment clause of the Constitution.²¹

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²⁰ *INS v. Chadha*, 462 U.S. 919, (1983).

²¹ *Clinton v. City of New York*, 118 S. Ct. 2091 (1998).