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Engrossment, Enrollment, and Presentation of Legislation

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Engrossment, enrollment, and presentation of legislation are technical components of the legislative process. They attest to the accuracy of bill texts, confirm passage by the House and Senate, and confirm delivery of the bills to the President for his 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. (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 (under the supervision of the House Oversight Committee) and the Office of the Secretary of the Senate. The signature of the clerk or the secretary attests to the passage of the measure and certifies 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.

An engrossed bill is "messaged" 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.

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.

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." An enrolled bill properly signed by the presiding officers of both chambers is delivered to the White House and stamped to certify the date and time of the bill's arrival. When the President has been out of the country for long periods of time, the White House and congressional leaders have agreed that enrolled measures will be presented to the President upon his return and that the 10-day clock will start then; at other times, bills have been sent to the President 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. The Circuit Court of Appeals ruled in 1974 (*Kennedy v. Sampson,* 511 F.2d. 430 (D.C. Cir., 1974)) that a pocket veto was improper during an intra-session adjournment in which the administrative officers of the House and Senate had been authorized to receive presidential messages. Many claim that Congress may also authorize its administrative officers to receive messages, including veto messages, during any intra-session adjournment or after any inter-session adjournment. But, the Supreme Court has not ruled directly on this issue affecting pocket vetoes.

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)). In June 1998 (*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.