

ENROLLED BILLS AND JOINT RESOLUTIONS

Bills and joint resolutions passed by both Houses in identical form are enrolled for presentation to the President of the United States, after they have been signed first by the Speaker of the House of Representatives and then by the Presiding Officer of the Senate.

Senate bills and joint resolutions are enrolled by the Senate and certified by the Secretary of the Senate that they originated in the Senate. House bills and joint resolutions are enrolled by the House of Representatives and certified by the Clerk of the House that they originated in the House.

Rule I, Paragraph 3

[Enrolled Bills Signed by Acting President Pro Tempore When President of Senate and President Pro Tempore Absent]

The President pro tempore shall have the right to name in open Senate, or, if absent, in writing, a Senator to perform the duties of the Chair, including the signing of duly enrolled bills and joint resolutions but such substitution shall not extend beyond an adjournment, except by unanimous consent; and the Senator so named shall have the right to name in open session, or, if absent, in writing, a Senator to perform the duties of the Chair, but not to extend beyond an adjournment, except by unanimous consent.¹

Rule XIV, Paragraph 5

[Secretary of Senate Examines and Certifies Enrolled Bills, Amendments and Joint Resolutions]

All bills, amendments, and joint resolutions shall be examined under the supervision of the Secretary of the Senate before they go out of the possession of the Senate, and all bills and joint resolutions which shall have passed both Houses shall be examined under the supervision of the Secretary of the Senate, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and the President of the Senate, the Secretary of the Senate shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States and report the fact and date of such presentation to the Senate.

¹ See *Senate Journal*, 1905, 58-3 p. 47.

Amendment to House Bill Not Yet Signed by President—Not in Order:

In 1959, the consideration of a Senate bill, proposing to amend a House bill which had been passed by both Houses of Congress and cleared for the President's signature but not yet signed, was delayed since it was agreed that such procedure would be out of order until the President had signed the House bill into law.²

Cancel Enrollment and Passage of a Bill:

See also "Usages of Concurrent Resolutions," pp. 446-448.

Concurrent resolutions are used to request the return of a bill from the President, to vacate the passage of a bill, to cancel their enrollment, and rescind the signatures of the Presiding Officers.³

The Senate on March 11, 1986, adopted a concurrent resolution which requested the Secretary of the Senate to return to the House of Representatives an enrolled bill, provided for the rescission of the signature of the Speaker pro tempore, and directed the Clerk of the House to re-enroll the bill with certain specified corrections.⁴

Certification of Correct Enrollment:

In the case of a House enrolled bill signed by the Speaker and transmitted to the Senate for the signature of the Presiding Officer the accompanying certificate of the Committee on Enrolled Bills of the House (now Committee on House Administration) is taken as evidence that it has been correctly enrolled.⁵

Corrections (Changes) in Enrolled Bills:

Concurrent resolutions are used to correct errors in bills when enrolled,⁶ or to correct errors by authorizing the re-enrollment of a specified bill with the designated

² July 30, 1959, Aug. 4 and 6, 1959, 86-1, *Record*, pp. 14666, 15083, 15085, 15217-18, 15266-68.

³ *See* "Usages of Concurrent Resolutions," pp. 446-448; *see also* May 7, 1974, 93-2, *Record*, pp. 13514-15.

⁴ Mar. 11, 1986, 99-2, *Record* p. 4289.

⁵ Jan. 30, 1885, 48-2, *Record*, p. 1071. This duty has since been transferred to the House Committee on Administration.

⁶ July 5, 1952, 82-2, *Record*, p. 9499; Aug. 7, 1974, 93-2, *Record*, pp. 27202-03; Aug. 16, 1974, 93-2, *Record*, p. 28685; Aug. 22, 1974, 93-2, *Record*, pp. 29925-28.

changes to be made.⁷ Changes in enrolled bills are not made by a reconsideration of the passage and then amend the bill; the proper procedure is by the use of a concurrent resolution.⁸

Such concurrent resolutions have been amended;⁹ but they have been held not subject to amendments legislative in character¹⁰ or to general amendment, except by unanimous consent;¹¹ only germane amendments to correct an error are in order on objection.¹²

Practice discloses that such resolutions may not include provisions to make substantive changes in the re-enrollment of bills unless the resolutions are considered and passed under unanimous consent.¹³

During the consideration of the Tariff Act of 1930, the Senate adopted a concurrent resolution providing that changes made by the Senate in section and paragraph numbers and letters should not be regarded as amendments, and authorized the Clerk of the House, in the enrollment of the bill, to make necessary changes in such numbers and letters, to correspond to the action of the conference committee.¹⁴

In one case, a Senate concurrent resolution providing for the correction of certain errors in the enrollment of a bill was amended by the House by the addition of a legislative amendment, in which the Senate later concurred.¹⁵

In another instance, a House concurrent resolution provided for the enrollment of a Senate amendment to a House bill with certain amendments.¹⁶

⁷ Nov. 3, 1973, 93-1, *Record*, p. 35952; July 21, 1942, 77-2, *Journal*, p. 343; Sept. 22, 1950, 81-2, *Record*, pp. 15481-82; Feb. 14, 1933, 75-3, *Record*, p. 1882; Aug. 3, 1950, 81-2, *Record*, pp. 11687-88; July 9, 1946, 79-2, *Record*, p. 8439; Mar. 26, 1943, 78-1, *Journal*, p. 127; Apr. 19, 1939, 76-1, *Journal*, p. 244; Feb. 25, 1893, 52-2, *Record*, p. 2148; Oct. 1, 1890, 51-1, *Record*, p. 10768; Apr. 30, 1890, 50-2, *Record*, p. 4025; Jan. 11, 1889, 50-2, *Record*, p. 676; July 5, 1888, 50-1, *Record*, p. 5897; June 14 and 19, 1884, 48-1, *Record*, p. 5326; Apr. 15, 1884, 48-1, *Record*, pp. 2958-59; see also Sept. 20, 1940, 76-3, *Record*, p. 12402; House precedent, June 4 and 6, 1951, 82-1, *Record*, p. 6181; Feb. 14 and 18, 1890, 51-1, *Journal*, p. 119, *Record*, pp. 1313-14, 1444; Aug. 3, 1886, 49-1, *Record*, p. 7898.

⁸ Feb. 25, 1893, 52-2, *Record*, pp. 2148, 2169.

⁹ July 21, 1942, 77-2, *Journal*, p. 343; see also House precedent, June 4, 1951, 82-1, p. 6181.

¹⁰ See footnote 6 above; see also June 1, 1920, 66-2, *Journal*, p. 323, *Record*, pp. 8071-72.

¹¹ Oct. 1, 1890, 51-1, *Record*, p. 10768.

¹² See Sept. 20, 1940, 76-3, *Record*, p. 12402.

¹³ Oct. 1, 1890, 51-1, *Record*, p. 10768; see June 14, 17, and 19, 1884, 48-1, *Record*, pp. 5170, 5234, 5326.

¹⁴ Feb. 5, 1930, 71-2, *Journal*, p. 122, *Record*, p. 3064.

¹⁵ June 4, 1951, 82-1, *Record*, p. 6181.

¹⁶ July 21, 1942, 77-2, *Journal*, p. 343.

Corrections (Changes) of Enrolled Bills— Consideration of Such Resolutions:

Consideration of a House concurrent resolution to correct an error in the enrollment of a bill is privileged,¹⁷ but it has been held that such concurrent resolutions can only be considered by unanimous consent, if it proposes to make substantive changes in the enrollment of a bill, while other business is pending.¹⁸

A Senate concurrent resolution that makes a technical or clerical correction in the enrollment of a bill is privileged for immediate consideration, but if the resolution proposes a substantive change it is not privileged, and upon objection to such consideration the resolution would go over under the rule.¹⁹

While the unfinished business is pending before the Senate, under a unanimous consent agreement that other matters may be considered by unanimous consent only, action on a House concurrent resolution laid before the Senate is not in order upon objection.²⁰

Duplicate Copies of Enrolled Bills Furnished:

For practice of Senate, *see also* "Lost in Processing and Duplicates Furnished," p. 238.

Enrolled bills have been lost on different occasions after they were presented to the President of the United States for his signature. Concurrent resolutions in such cases, at the request of the President, were passed to authorize the Presiding Officers to sign a duplicate copy of the enrolled bill and that the same be transmitted to the President,²¹ and in 1947, after the Congress adjourned, a bill having been lost, the President requested a copy of an enrolled bill, which was furnished.²²

Parchment Requirement Waived:

The Congress on one occasion passed, and the President signed, a joint resolution waiving the requirement con-

¹⁷ June 18, 1942, 77-2, *Record*, p. 5321; *see also* Feb. 14, 1938, 75-3, *Record*, p. 1882.

¹⁸ *See* Aug. 3, 1950, 81-2, *Record*, pp. 11687-88; Apr. 15, 1884, 48-1, *Record*, pp. 2958-59; Oct. 1, 1890, 51-1, *Record*, p. 10768.

¹⁹ Mar. 10, 1986, 99-2, *Record*, p. 4133.

²⁰ Aug. 2, 1921, 67-1, *Journal*, p. 215, *Record*, p. 4538.

²¹ May 15, 1935, 74-1, *Journal*, p. 346, *Record*, pp. 7551, 7598; May 27, 1938, 75-3, *Record*, p. 7601.

²² *See* Dec. 19, 1947, 80-1, *Record*, p. 11709.

tained in sections 106 and 107 of title I, U.S. Code, that enrolled bills be printed on parchment paper, for the enrollment of a specific measure, and providing that such enrollment be in such form as may be certified by the Committee on House Administration.²³

Postponed Indefinitely:

In 1904, an enrolled bill was reconsidered and indefinitely postponed, the President of the United States having returned it to the Senate upon request after the Senate rescinded the action of the President pro tempore in signing it; and requested the House to take similar action with respect to the signature of the Speaker.²⁴

President Has 10 Days To Sign:

In computing the 10-day period allowed the President of the United States in which to act on bills and joint resolutions presented to him, the day of presentation is excluded and the last day is included, as determined by the Court of Claims of the United States on November 1, 1937, and an appeal of the case to the United States Supreme Court was denied.²⁵

Printed:

According to law, enrolled bills shall be printed and not typewritten, except during the last 6 days of a session. Upon the order of Congress by concurrent resolution, bills and joint resolutions may be done otherwise.²⁶

Recall From House:

See "Usages of Concurrent Resolutions," pp. 446-448.

Recall From President:

See "Usages Of Concurrent Resolutions," pp. 446-448.

²³ Dec 10, 1985, 99-1, *Record*, p. 35552.

²⁴ Feb. 29, 1904, 58-2, *Journal*, p. 210, *Record*, p. 2531; Mar. 1, 1904, 58-2, *Journal*, p. 212, *Record*, p. 2585.

²⁵ See 303 U.S. 651.

²⁶ 1 U.S.C. 106.

Reconsideration of:

See also "Reconsideration," pp. 1124-1149, "Usages of Concurrent Resolutions," pp. 446-448.

An enrolled bill signed by the two Presiding Officers can be reconsidered by the adoption of a concurrent resolution to that effect. In 1935, the action of the Presiding Officers of the two Houses in signing an enrolled bill was rescinded and the House was requested to return to the Senate the papers announcing its agreement to the amendments of the House to the said bill, so that the Senate could reconsider its action.²⁷ An enrolled bill has been reconsidered after it had been signed by the Speaker of the House and the Presiding Officer of the Senate, but the latter had not announced his signature.²⁸

Concurrent resolutions are used to rescind the signatures of the Presiding Officers of the two Houses and vacate the action of the two Houses in passing a bill so as to permit an amendment which was overlooked in the passage of the bill originally.²⁹

The House was requested in 1942 by the Senate to rescind the action of the Speaker in signing an enrolled bill, which had not been signed by the Vice President and to return the engrossed bill to the Senate.³⁰

A House bill recalled from the President may be transmitted by the House to the Senate with a request for reconsideration of its passage for the purpose of amending the same, and the vote on passage and the third reading of the bill may be reconsidered, amended and then repassed, if in compliance with provisions of the rule on reconsideration.³¹

An enrolled bill signed by the Speaker was returned by the Senate to the House, with a message that prior to its receipt a motion to reconsider had been entered in the Senate with a request to the House to return the engrossed bill; the request of the Senate having been complied with, the passage and third reading were reconsidered and the bill placed on the Calendar.³²

²⁷ May 29, 1935, 74-1, *Journal*, p. 396, *Record*, p. 8366.

²⁸ Apr. 2, 3, and 4, 1884, 48-1, *Record*, pp. 2505, 2534, 2578, 2580.

²⁹ Apr. 27, 1942, 77-2, *Record*, p. 3711.

³⁰ July 27, 1942, 77-2, *Record*, p. 6640.

³¹ Mar. 15, 1902, 57-1, *Journal*, p. 235, *Record*, p. 2345.

³² Oct. 4 and 8, 1888, 50-1, *Record*, pp. 9151-52, 9261.

In one instance, House amendments to a Senate bill having been concurred in, and the bill signed by the Speaker, the President pro tempore withheld his signature where the vote agreeing to the House amendments was reconsidered and a conference asked, and the enrolled bill was ordered returned to the House.³³

Reference of Concurrent Resolutions To Rescind Signatures on Enrolled Bills Not Required:

See "References to Committees," pp. 1150-1169.

Signatures on Enrolled Bills Rescinded:

By the use of concurrent resolutions, the President of the United States may be requested to return bills to the Senate or House of origin, and if returned, as the resolutions usually provide, "the action of the Presiding Officers of the two Houses in signing the said bill be deemed to be rescinded" and that the passage of the bills be vacated and they be re-enrolled with certain corrections.³⁴

Concurrent resolutions are utilized to rescind the action of the Presiding Officers of the two Houses in signing enrolled bills,³⁵ even before they go to the President, and to vacate their passage,³⁶ in order that they may be re-enrolled for the correction of errors.³⁷

In 1952, the action of the Speaker in signing an enrolled bill was rescinded and the bill ordered to be re-enrolled with an amendment.³⁸

In 1953, when a motion was entered to reconsider the vote agreeing to a House amendment to a Senate bill, the action of the Speaker of the House of Representatives in signing the bill was rescinded by use of a concurrent resolution, and the bill was subsequently sent to conference.³⁹

³³ Feb. 27, 1885, 48-2, *Record*, p. 2227.

³⁴ Mar. 3, 1904, 58-2, *Journal*, p. 226, *Record*, p. 2740; Mar. 5, 1904, 58-2, *Journal*, p. 229, *Record*, p. 2847; Apr. 19, 1939, 76-1, *Journal*, p. 244; July 9, 1946, 79-2, *Record*, p. 8439; Mar. 26, 1943, 78-1, *Journal*, p. 127; see also Aug. 7, 1888, 50-1, *Record*, p. 7293.

³⁵ Dec. 12 and 13, 1928, 70-2, *Journal*, pp. 31, 33, 35, *Record*, pp. 445, 447, 503; May 29, 1935, 74-1, *Journal*, p. 396, *Record*, p. 8366; June 2 and 4, 1953, 83-1, *Record*, pp. 5900, 6053.

³⁶ Apr. 27, 1942, 77-2, *Record*, p. 3711; Apr. 28, 1942, 77-2, *Record*, p. 3758.

³⁷ Mar. 3, 1904, 58-2, *Journal*, p. 226, *Record*, p. 2740; July 5, 1888, 50-1, *Record*, p. 5897; July 9, 1946, 79-2, *Record*, p. 8439; Mar. 26, 1943, 78-1, *Journal*, p. 127; Apr. 19, 1939, 76-1, *Journal*, p. 244; Aug. 7, 1888, 50-1, *Record*, p. 7293.

³⁸ May 9 and 12, 1952, 82-2, *Record*, pp. 4974, 5069.

³⁹ June 2 and 4, 1953, 83-1, *Record*, pp. 5900, 6053.

An enrolled Senate bill, which had been signed by the Speaker of the House and transmitted to the Senate for the signature of the President of the Senate, was ordered to be returned, together with the engrossed bill, to the House with a request that the action of the Speaker in signing the bill be rescinded, that the vote on the passage of the bill be reconsidered, and that the engrossed bill be returned to the Senate, but the House did not comply with the request.⁴⁰

Signing of Enrolled Bills:

The Speaker of the House signs all bills first and the Vice President, or the authorized Presiding Officer of the Senate, secondly, but on February 7, 1952, several Senate enrolled bills were inadvertently signed by the Vice President before being presented to the Speaker for his signature.⁴¹

A Senator designated by the President pro tempore to perform the duties of the Chair during his temporary absence is empowered, under a resolution of the Senate (now in Rule I, par. 3), to sign as acting President pro tempore, duly enrolled bills and joint resolutions for presentation to the President.⁴²

The Presiding Officer of the Senate signs enrolled bills during sessions of the Senate, but on various occasions the Vice President has been authorized by order of the Senate or concurrent resolution to sign enrolled bills during the recess of the Senate,⁴³ or during an adjournment to a day certain or after sine die adjournment.⁴⁴

This authority may be given the Presiding Officer by the adoption of an order by the Senate, or by the adoption by both Houses of a concurrent resolution to that effect.⁴⁵

⁴⁰ Dec. 13 and 20, 1926, and Jan. 17, 1927, 69-2, *Journal*, p. 34, *Record*, pp. 341-42, 413-14, 769, 1789-91.

⁴¹ Feb. 7, 1952, 82-2, *Record*, p. 894.

⁴² Jan. 4, 1905, 58-3, *Record*, p. 440; Mar. 11, 1943, 78-1, *Journal*, p. 103; July 7, 1952, 82-2, *Record*, p. 9727; June 30, 1955, 84-1, *Record*, p. 9597; Jan. 13, 1955, 84-1, *Record*, p. 10414.

⁴³ Mar. 23, 1933, 73-1, *Journal*, pp. 49-50; Jan. 19, 1934, 73-2, *Journal*, pp. 49-50; Jan. 11, 1934, 73-2, *Journal*, pp. 35-36; June 27, and July 4, 1935, 74-1, *Journal*, pp. 488, 491, 500; May 16, 1935, 74-1, *Journal*, pp. 252, 353; Feb. 22, 1935, 74-1, *Journal*, pp. 141-42; Jan. 31, 1935, 74-1, *Journal*, p. 88; Mar. 26, 1934, 73-2, *Journal*, pp. 230-31.

⁴⁴ July 26, 1947, 80-1, *Record*, p. 10401; May 11, 1933, 73-1, *Journal*, p. 159, *Record*, p. 3207; June 15, 1933, 73-1, *Journal*, p. 302, *Record*, p. 6093; Aug. 2, 1946, 79-2, *Journal*, p. 552; Dec. 21, 1945, 79-1, *Journal*, p. 545; Dec. 19, 1944, 78-2, *Journal*, p. 526; Dec. 21, 1943, 76-1, *Journal*, p. 551; Dec. 15, 1942, 77-2, *Journal*, p. 523; Aug. 24, 1935, 74-1, *Journal*, p. 696, *Record*, p. 14486; June 18, 1934, 73-2, *Journal*, pp. 616, 619; see also Aug. 15, 1921, 67-1, *Journal*, p. 229, *Record*, p. 4983.

⁴⁵ *Ibid.*

On December 24, 1883, the President pro tempore announced to the Senate that he had signed an enrolled joint resolution while the Senate was not in session, in the absence of an order adopted by the Senate.⁴⁶

Under the precedents of the Senate, it is not necessary that a quorum should be present when an enrolled bill is signed by the Presiding Officer.⁴⁷

In 1917 a bill duly passed by both Houses and signed by the Speaker, but which did not reach the Senate before final adjournment, was signed by the Vice President at the beginning of the next session of the same Congress.⁴⁸

⁴⁶ Dec. 24, 1883, 48-1, *Record*, p. 222.

⁴⁷ Oct. 22, 23, and 24, 1914, 63-2, *Journal*, p. 566, *Record*, pp. 16924, 16959, 16968.

⁴⁸ Dec. 4, 1917, 65-2, *Record*, p. 18.