

## SEC. XLVIII—ASSENT

The House which has received a bill and passed it may present it for the King's assent, and ought to do it, though they have not by message notified to the other their passage of it. Yet the notifying by message is a form which ought to be observed between the two Houses from motives of respect and good understanding. *2 Hats.*, 242. Were the bill to be withheld from being presented to the King, it would be an infringement of the rules of Parliament. *Ib.*

§ 572. Parliamentary law as to presenting a bill for the King's assent.

In the House it was held that where there had been no unreasonable delay in transmitting an enrolled bill to the President, a resolution relating thereto did not present a question of privilege (III, 2601), but a resolution seeking such a determination may be privileged (Oct. 8, 1991, p. 25761).

When a bill has passed both Houses of Congress, the House last acting on it notifies its passage to the other, and delivers the bill to the Joint Committee on Enrollment, who sees that it is truly enrolled in parchment. When the bill is enrolled it is not to be written in paragraphs, but solidly, and all of a piece, that the blanks between the paragraphs may not give room for forgery. *9 Grey*, 143. \* \* \*

§ 573. Parliamentary law as to enrollment of bills.

Formerly the enrollment in the House and the Senate was in writing (IV, 3436, 3437); but in 1893 the two Houses, by concurrent resolution, provided that bills should be enrolled on parchment by printing instead of by writing, and also that the engrossment of bills before sending them to the other House for action should be in printing (IV, 3433), and in 1895 this concurrent resolution was approved by statute (IV, 3435; 1 U.S.C. 106). In the last six days of a session of Congress the two Houses, by concurrent resolution, may permit the enrolling and engrossing to be done by hand (IV, 3435, 3438; H. Con. Res. 436, Dec. 20,

§ 574. Practice of the two Houses of Congress as to enrollment of bills.

1982, p. 32875; H. Con. Res. 375, Oct. 11, 1984, p. 32149), and such a concurrent resolution is privileged for consideration in the House during the last six days of the session (see 1 U.S.C. 106 for authority to waive ordinary printing requirements at the end of a session), but before the last six days, a joint resolution waiving the law to permit hand enrollments is required and may be considered in the House by unanimous consent (Dec. 10, 1985, p. 35741) or by special order of business (H. Res. 580, Oct. 8, 1998, p. 24735). The two Houses have by joint resolution authorized not only a "hand enrollment" of a time-sensitive bill but also a parchment enrollment of the same measure, to be prepared at a later time for deposit in the National Archives with the original (P.L. 100–199, Dec. 21, 1987; P.L. 100–454, Sept. 29, 1988). Where an enrolled bill enacts another numbered bill by reference, that same law may require the Archivist to include as an appendix to that law the text of the referenced bill (see, *e.g.*, P.L. 106–554). Only in a very exceptional case have the two Houses waived the requirement that bills shall be enrolled (IV, 3442). The enrolling clerk should make no change, however unimportant, in the text of a bill to which the House has agreed (III, 2598); but the two Houses may by concurrent resolution authorize the correction of an error when enrollment is made (IV, 3446–3450), and this seems a better practice than earlier methods by authority of the Committee on Enrolled Bills (IV, 3444, 3445).

\* \* \* It is then put into the hands of the Clerk of the House to have it signed by the Speaker. The Clerk then brings it by way of message to the Senate to be signed by their President. The Secretary of the Senate returns it to the Committee of Enrollment, who present it to the President of the United States. \* \* \*

§ 575. Signing of enrolled bills for presentation to the President.

The practice of the two Houses of Congress for the signing of enrolled bills was formerly governed by joint rules, and has continued since those rules were abrogated in 1876 (IV, 3430). The bills are signed first by the Speaker, then by the President of the Senate (IV, 3429). Where errors are found in enrolled bills that have been signed, the two Houses by concurrent action may authorize the cancellation of the signatures and a reenrollment (IV, 3453–3459), and in the same way the signatures may be cancelled on a bill prematurely enrolled (IV, 3454).

A Speaker pro tempore elected by the House (II, 1401), or whose designation has received the approval of the House (II, 1404; VI, 277; clause 8 of rule I), signs enrolled bills (see clause 4 of rule I); but a Member merely called to the chair during the day (II, 1399, 1400; VI, 276), or designated in writing by the Speaker, does not exercise this function (II, 1401).

§ 576. Authority of pro tempore presiding officers to sign enrolled bills.

The Senate, by rule, has empowered a presiding officer by written designation to sign enrolled bills (II, 1403).

In early days a joint committee took enrolled bills to the President (IV, 3432); but in the later practice the chair of the committee in each House that had responsibility for the enrollment of bills also had the responsibility of presenting the bills from that House, and submitted from

§ 577. Presentation of enrolled bills to the President.

his committee daily a report of the bills presented for entry in the Journal (IV, 3431). In the 107th Congress the responsibility in the House for enrolled bills was transferred from the Committee on House Administration to the Clerk (sec. 2(b), H. Res. 5, Jan. 3, 2001, p. 25). Enrolled bills pending at the close of a session have, at the next session of the same Congress, been ordered to be treated as if no adjournment had taken place (IV, 3487–3488). Enrolled bills signed by the presiding officers at one session have been sent to the President and approved at the next session of the same Congress (IV, 3486). Enrollments presented at the close of the 97th Congress were signed by the President after the convening of the 98th Congress.

SEC. XLIX—JOURNALS

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If a question is interrupted by a vote to adjourn, or to proceed to the orders of the day, the original question is never printed in the journal, it never having been a vote, nor introductory to any vote; but when suppressed by the previous question, the first question must be stated, in order to introduce and make intelligible the second. *2 Hats., 83.*

§ 578. Obsolete provisions as to entry of motions in the journal.

This provision of the parliamentary law is superseded by clause 1 of rule XVI, which requires every motion entertained by the Speaker to be entered on the Journal.