

Sec. 7—Bills and Resolutions

Cls. 1–3—Legislative Process

Approval by the President

The President is not restricted by the second clause to signing a bill on a day when Congress is in session.⁴⁹² He may sign within ten days (Sundays excepted) after the bill is presented to him, even if that period extends beyond the date of the final adjournment of Congress.⁴⁹³ His duty in case of approval of a measure is merely to sign it. He need not write on the bill the word “approved,” nor the date. If no date appears on the face of the roll, the Court may ascertain the fact by resort to any source of information capable of furnishing a satisfactory answer.⁴⁹⁴ A bill becomes a law on the date of its approval by the President.⁴⁹⁵ When no time is fixed by the act, it is effective from the date of its approval,⁴⁹⁶ which usually is taken to be the first moment of the day, fractions of a day being disregarded.⁴⁹⁷

The Veto Power

The veto provisions of the Constitution, the Supreme Court has told us, serve two functions. On the one hand, they ensure that “the President shall have suitable opportunity to consider the bills presented to him. . . . It is to safeguard the President’s opportunity that Paragraph 2 of § 7 of Article I provides that bills which he does not approve shall not become law if the adjournment of the Congress prevents their return.”⁴⁹⁸ At the same time, the sections ensure “that the Congress shall have suitable opportunity to consider his objections to bills and on such consideration to pass them over his veto provided there are the requisite votes.”⁴⁹⁹ The Court asserted that “[w]e should not adopt a construction which would frustrate either of these purposes.”⁵⁰⁰

In one major respect, however, the President’s actual desires may be frustrated by the presentation to him of omnibus bills or of bills containing extraneous riders. During the 1980s, on several occasions, Congress lumped all the appropriations for the operation of the government into one gargantuan bill. In these situations, the President must sign or veto the entire bill; doing the former, how-

⁴⁹² *La Abra Silver Mining Co. v. United States*, 175 U.S. 423, 453 (1899).

⁴⁹³ *Edwards v. United States*, 286 U.S. 482 (1932). On one occasion in 1936, delay in presentation of a bill enabled the President to sign it 23 days after the adjournment of Congress. Schmeckebier, *Approval of Bills After Adjournment of Congress*, 33 AM. POL. SCI. REV. 52–53 (1939).

⁴⁹⁴ *Gardner v. The Collector*, 73 U.S. (6 Wall.) 499 (1868).

⁴⁹⁵ 73 U.S. at 504. *See also* *Burgess v. Salmon*, 97 U.S. 381, 383 (1878).

⁴⁹⁶ *Matthews v. Zane*, 20 U.S. (7 Wheat.) 164, 211 (1822).

⁴⁹⁷ *Lapeyre v. United States*, 84 U.S. (17 Wall.) 191, 198 (1873).

⁴⁹⁸ *Wright v. United States*, 302 U.S. 583 (1938).

⁴⁹⁹ 302 U.S. at 596.

⁵⁰⁰ 302 U.S. at 596.