

1946, and became Public Law No. 79-599 of the 79th Congress.

§ 21. Motions Relating to Vetoes

When a vetoed bill is laid before the House the question of passage, the objections of the President to the contrary notwithstanding, is pending, but motions to refer to committee,⁽¹¹⁾ to postpone to a day certain, or to lay on the table are in order. Motions of this nature are within the constitutional mandate that the House “shall proceed to reconsider” a vetoed bill.⁽¹²⁾

Motions to take from the table a vetoed bill, or to discharge a vetoed bill from a committee, are privileged.⁽¹³⁾

Precedence of Motion to Refer

§ 21.1 When a vetoed bill is laid before the House and read, a motion to refer to committee takes precedence over the question of passage over the veto.

11. See § 21.1, *infra*.

12. See U.S. Const. art. I, § 7, clause 2, and 7 Cannon’s Precedents §§ 1105, 1114.

13. See 4 Hinds’ Precedents §§ 3532, 3550; and 5 Hinds’ Precedents § 5439. See also § 21.8, *infra*.

On Oct. 10, 1940,⁽¹⁴⁾ the Speaker⁽¹⁵⁾ laid before the House the veto message of the President of the bill (H.R. 7179) providing for the naturalization of Louis D. Friedman. Mr. Samuel Dickstein, of New York, moved to refer the bill and veto message to the Committee on Immigration and Naturalization.

Mr. John E. Rankin, of Mississippi, reserved the right to object, saying:

This bill can only be referred to a committee by unanimous consent.

THE SPEAKER: No; a motion is in order.

MR. RANKIN: I understand [but is it privileged?] Any Member can demand a vote on this at any time, on a President’s veto.

THE SPEAKER: A motion to refer to a committee takes preference, of course.

MR. RANKIN: I did not think a motion to refer to a committee was privileged. My understanding is that any Member can demand a vote at any time.

THE SPEAKER: A motion to refer at this stage is a privileged motion and has preference, under the rule.

Effect of Defeat of Motion to Postpone

§ 21.2 Where a motion to postpone further consideration

14. 86 CONG. REC. 13522, 76th Cong. 3d Sess.

15. Sam Rayburn (Tex.).

of a veto message to a day certain is defeated, the question recurs, in the absence of any other motion, on passing the bill over the objections of the President.

On Jan. 24, 1936,⁽¹⁶⁾ the Speaker⁽¹⁾ laid before the House the veto message of the President on the bill (H.R. 9870) to provide for the immediate payment of world war adjustment service certificates and for the cancellation of unpaid interest accrued on loans secured by such certificates.

Mr. William B. Bankhead, of Alabama, moved that consideration of the President's message be postponed until the next Monday. After short debate Mr. Bankhead then moved the previous question on his motion. Mr. John E. Rankin, of Mississippi, raised a parliamentary inquiry as to whether a vote on the veto message would be in order if the motion to postpone were defeated:

MR. RANKIN: And a preferential motion will be in order for an immediate vote on the veto?

THE SPEAKER: It will be the only motion before the House.

The question is on the motion of the gentleman from Alabama [Mr. Bankhead] on the previous question.

16. 80 CONG. REC. 975, 976, 74th Cong. 2d Sess.

1. Joseph W. Byrns (Tenn.).

The previous question was ordered.

THE SPEAKER: The question now recurs upon the motion of the gentleman from Alabama that further consideration of the veto message be postponed until Monday.

The question was taken; and on a division (demanded by Mr. Bankhead) there were ayes 131 and noes 189.

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion was rejected.

THE SPEAKER: The question is, Will the House on reconsideration agree to pass the bill, the objections of the President to the contrary notwithstanding?

Effect of Defeat of Motion to Refer

§ 21.3 When a motion to refer a vetoed bill to a committee is voted down, the question recurs on the passage of the bill over the objections of the President.

On Oct. 10, 1940,⁽²⁾ the Speaker⁽³⁾ laid before the House the veto message of the President of the bill (H.R. 7179) providing for the naturalization of Louis D. Friedman. Mr. Samuel Dickstein, of New York, moved that the bill and veto message be referred to

2. 86 CONG. REC. 13534, 76th Cong. 3d Sess.

3. Sam Rayburn (Tex.).

the Committee on Immigration and Naturalization.

Mr. John E. Rankin, of Mississippi, raised a parliamentary inquiry as to whether the question before the House would be on the overriding of the veto if the motion to refer was voted down. The Speaker responded that the question of overriding the President's veto would recur if the motion to refer to committee was voted down.

Referral to Committee by Motion

§ 21.4 A veto message from the President may on motion be referred to the originating committee and ordered printed.

On Aug. 14, 1967,⁽⁴⁾ the Speaker laid before the House the veto message of the President on the bill (H.R. 11089) to increase life insurance coverage for government employees, officials, and Members of Congress.

Mr. Dominick V. Daniels, of New Jersey, moved that the bill and message be referred to the Committee on Post Office and Civil Service and ordered to be printed.

The motion was agreed to.

4. 113 CONG. REC. 22438, 90th Cong. 1st Sess.

Referral to Committee by Unanimous Consent

§ 21.5 A veto message from the President was, by unanimous consent, referred to a committee.

On July 24, 1961,⁽⁵⁾ the Speaker⁽⁶⁾ laid before the House the veto message of the President on the bill (H.R. 4206) for the relief of Melvin H. Baker and Frances V. Baker. The Speaker stated:

The objections of the President will be spread at large upon the Journal, and, without objection, the bill and message will be referred to the Committee on the Judiciary and ordered to be printed.

There was no objection.⁽⁷⁾

Objections to Referral

§ 21.6 Where an objection is raised to a unanimous-consent request to refer a veto message to a committee, and the House adjourns without other disposition of the message, the request for referral may be renewed.

5. 107 CONG. REC. 13151, 13152, 87th Cong. 1st Sess.

6. Sam Rayburn (Tex.).

7. See also 111 CONG. REC. 21244, 21245, 89th Cong. 1st Sess., Aug. 23, 1965; and 105 CONG. REC. 19697, 86th Cong. 1st Sess., Sept. 14, 1959.

On Sept. 13, 1965,⁽⁸⁾ the Speaker⁽⁹⁾ laid before the House the veto message of the President of the United States on the bill (H.R. 3329) to incorporate the youth councils on civic affairs:

Without objection, the bill and message will be referred to the Committee on the District of Columbia.

MR. [DURWARD G.] HALL [of Missouri]: Mr. Speaker, I object.

THE SPEAKER: To what does the gentleman object?

MR. HALL: I object to the reference of the veto message to the committee.

The House then adjourned without further action on the message.

On Sept. 14, 1965,⁽¹⁰⁾ the message and bill were, by unanimous consent, referred to the Committee on the District of Columbia and ordered to be printed.

§ 21.7 A veto message from the President on a bill relating to certain federal wages was referred to the Committee on Post Office and Civil Service.

On Jan. 2, 1971,⁽¹¹⁾ the Speaker⁽¹²⁾ laid before the House the veto message of the President on

8. 111 CONG. REC. 23623, 89th Cong. 1st Sess.
9. John W. McCormack (Mass.).
10. 111 CONG. REC. 23628, 89th Cong. 1st Sess.
11. 116 CONG. REC. 44599, 91st Cong. 2d Sess.
12. John W. McCormack (Mass.).

the bill (H.R. 17809) to fix the pay practices applied to federal "blue collar" employees. After the Clerk read the veto message, it was, without objection, referred to the Committee on Post Office and Civil Service and ordered to be printed.

Parliamentarian's Note: No member of the Committee on Post Office and Civil Service was available to move that the bill and message be referred to that committee. The Speaker therefore ordered the bill referred on his own initiative.

Motion to Discharge

§ 21.8 A motion to discharge a committee from the consideration of a vetoed bill presents a question of privilege, and such motion is subject to a motion to table.

On Sept. 7, 1965,⁽¹³⁾ Mr. Durward G. Hall, of Missouri, addressed the Chair:

Mr. Speaker, I rise to a question of the highest privilege of the House, based directly on the Constitution and precedents, and offer a motion. . . .

Resolved, That the Committee on Armed Services be discharged from further consideration of the bill H.R. 8439, for military construction, with the President's veto thereon, and that the same be now considered.

13. 111 CONG. REC. 22958, 22959, 89th Cong. 1st Sess.

Mr. L. Mendel Rivers, of South Carolina, moved to lay that motion on the table.

Mr. Hall then raised a parliamentary inquiry:

Is a highly privileged motion according to the Constitution subject to a motion to table?

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ It is.

Motion to Postpone

§ 21.9 By motion, the House may postpone to a day certain consideration of a Presidential veto message transmitted from the Senate.

On Apr. 29, 1959,⁽¹⁵⁾ the Speaker⁽¹⁶⁾ laid before the House the veto message of the President of the bill (S. 144) entitled "An Act to Modify Reorganization Plan No. 2 of 1939 and Reorganization Plan No. 2 of 1953," along with a message from the Senate that that body had passed the bill over the President's veto.

Mr. John W. McCormack, of Massachusetts, moved that further consideration of the President's message be postponed until the next day.

The motion was agreed to.⁽¹⁷⁾

14. Carl Albert (Okla.).

15. 105 CONG. REC. 7027, 86th Cong. 1st Sess.

16. Sam Rayburn (Tex.).

17. See also 105 CONG. REC. 17397, 17398, 86th Cong. 1st Sess., Aug. 31,

§ 21.10 The motion to postpone further consideration of a veto message to a day certain is privileged and takes precedence over the pending question of passing the bill notwithstanding objections of the President.

On Jan. 27, 1970,⁽¹⁸⁾ the Speaker pro tempore⁽¹⁹⁾ laid before the House the veto message from the President on the bill (H.R. 13111) making appropriations for the Departments of Labor and Health, Education, and Welfare for fiscal year 1970. He then announced that the question before the House was "Will the House on reconsideration pass the bill H.R. 13111, the objections of the President to the contrary notwithstanding?"

Mr. George H. Mahon, of Texas, moved that further consideration of the veto message from the President be postponed until the next day. The Speaker pro tempore recognized him to proceed on his motion.

§ 21.11 Objection having been raised to a unanimous-con-

1959 (postponement for two days by unanimous consent); and 94 CONG. REC. 4133, 80th Cong. 2d Sess., Apr. 6, 1948 (postponement by motion for eight days).

18. 116 CONG. REC. 1365, 91st Cong. 2d Sess.

19. Carl Albert (Okla.).

sent request that a veto message be referred to committee, further proceedings on the message were postponed pursuant to a previous order of the House that the matter be put over until Thursday.

On Tuesday, Oct. 5, 1965,⁽²⁰⁾ the Speaker pro tempore laid before the House the veto message from the President on the bill (H.R. 5902) for the relief of Cecil Graham:

THE SPEAKER PRO TEMPORE:⁽²¹⁾ The objections of the President will be spread at large upon the Journal.

If there is no objection, the bill and message will be referred to the Committee on the Judiciary and ordered to be printed.

MR. [H.R.] GROSS [of Iowa]: Mr. Speaker, I object.

THE SPEAKER PRO TEMPORE: The gentleman from Iowa objects.

Under the order of the House of October 1,⁽²²⁾ this matter will be pending business on Thursday, October 7.

20. 111 CONG. REC. 25940, 25941, 89th Cong. 1st Sess.

21. Carl Albert (Okla.).

22. On Oct. 1, 1965, the Majority Leader asked unanimous consent that any roll call votes, other than on questions of procedure, which might be demanded on either Tuesday or Wednesday, Oct. 5 or 6 (which were religious holidays), be put over until Oct. 7. There was no objection. See 111 CONG. REC. 25796, 25797, 89th Cong. 1st Sess.

Debate on Motion

§ 21.12 Debate on a motion to refer a vetoed bill is under the hour rule, and if the Member recognized yields back a part of his time without moving the previous question another Member is recognized for an hour.

On Oct. 10, 1940,⁽¹⁾ Mr. Samuel Dickstein, of New York, was recognized to move to refer to committee a private bill (H.R. 7179) and the veto message thereon. He was recognized to debate his motion under the hour rule, and after he had consumed 10 minutes, during which he yielded to various other Members for comments and questions, he yielded back the balance of his time. The proceedings were as follows:

MR. [LEE E.] GEYER of California: Will the gentleman yield?

MR. DICKSTEIN: I yield to the gentleman from California.

MR. GEYER of California: Much has been said rather impugning certain things that the committee has done. It has been stated that the committee is probably too lenient. May I say that I have had bills before that committee involving definite hardship cases on American citizens, and I think the committee is entirely too stringent.

[Here the gavel fell.]

1. 86 CONG. REC. 13523, 13524, 76th Cong. 3d Sess.

MR. DICKSTEIN: Mr. Speaker, I ask unanimous consent to proceed for 2 additional minutes.

THE SPEAKER: ⁽²⁾ Is there objection to the request of the gentleman from New York [Mr. Dickstein]?

There was no objection.

MR. DICKSTEIN: Mr. Speaker, I want to say to the membership of the House that I have tried the best way I can, as chairman of that committee, to work with every Member of this House. I agree with my good friend from California that sometimes the committee is too strict, sometimes we may be a little lenient, but on the whole I think we are a strict committee. . . . May I say that we should be patient and reasonable. Let us look at it in the proper American light and not from any other point of view.

Mr. Speaker, I yield back the balance of my time.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, I ask for recognition.

THE SPEAKER: The time is in control of the gentleman from New York [Mr. Dickstein]. Has the gentleman from New York [Mr. Dickstein] yielded the floor?

MR. DICKSTEIN: Yes.

THE SPEAKER: The gentleman from Mississippi [Mr. Rankin] is recognized for 1 hour.

MR. DICKSTEIN: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: Does the gentleman from Mississippi yield for a parliamentary inquiry?

MR. RANKIN: I yield for a parliamentary inquiry.

2. Sam Rayburn (Tex.).

THE SPEAKER: The gentleman will state it.

MR. DICKSTEIN: The gentleman from Mississippi asked me to give him time, which I was good enough to do. I said I would be glad to do it. Had I known I was going to surrender the floor by that, I would not have done it. I did not surrender it. I simply yielded back the balance of my time, and the Record will bear me out.

THE SPEAKER: The Chair distinctly asked the gentleman from New York if he yielded the floor, and his answer was in the affirmative.

MR. DICKSTEIN: I did not understand.

THE SPEAKER: The gentleman from Mississippi is recognized for 1 hour, if he desires that time.

Parliamentarian's Note: Had Mr. Dickstein moved the previous question after using his 10 minutes, and if that motion had been agreed to, no further debate would have been in order.

§ 22. Consideration and Passage of Vetoed Bills; Voting

Under the Constitution, a vetoed bill becomes law when it is reconsidered and passed by the requisite two-thirds vote in each House.⁽³⁾ The Supreme Court has held that an affirmative vote of two-thirds of the Members voting, a quorum being present, in each House, is sufficient to override the President's veto.⁽⁴⁾

3. U.S. Const. art. I, § 7, clause 2.

4. *Missouri Pac. Ry. Co. v Kansas*, 248 U.S. 276 (1919), citing, at pp. 283,