

mediation of labor disputes. The House sustained the President's veto and the Speaker ordered the bill and accompanying papers referred to the Committee on Labor.

**§ 23.2 By message the House informed the Senate of the passage of a bill in the House to reduce income taxes over the President's veto.**

On Apr. 2, 1948,<sup>(6)</sup> the following message from the House of Representatives was laid before the Senate:

IN THE HOUSE OF

REPRESENTATIVES, U.S.,  
*April 2, 1948.*

The House of Representatives having proceeded to reconsider the bill (H.R. 4790) entitled "An act to reduce individual income-tax payments, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated; it was

*Resolved*, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same."

Attest:

JOHN ANDREWS,  
*Clerk.*

**D. VACATING LEGISLATIVE ACTIONS**

**§ 24. Procedure**

***Passage of Bills***

**§ 24.1 By unanimous consent, the proceedings whereby a bill had been passed were vacated, so that an error in an amendment to the bill could be corrected.**

On Feb. 12, 1951,<sup>(7)</sup> it was announced to the House that during a previous day's proceedings inci-

dent to the passage of a bill<sup>(8)</sup> the Committee of the Whole and the House by separate vote had agreed to a two-page amendment, the second page of which erroneously had not been read by the Clerk. Mr. Wilbur D. Mills, of Arkansas, asked unanimous consent that the proceedings whereby the bill had been passed be vacated and that an amendment to the bill be agreed to.

There was no objection.

Thereupon, the Speaker<sup>(9)</sup> announced that without objection

6. 94 CONG. REC. 4018, 80th Cong. 2d Sess.

7. 97 CONG. REC. 1233, 1234, 82d Cong. 1st Sess.

8. H.R. 1612, to extend the authority of the President to enter into trade agreements under § 310 of the Tariff Act of 1930.

9. Sam Rayburn (Tex.).

the proceedings whereby the bill had been passed would be vacated, the amendment read by Mr. Mills agreed to, the bill be considered as engrossed, read a third time and passed, and that a motion to reconsider be laid on the table.

There was no objection.

**§ 24.2 By unanimous consent, the House may vacate the proceedings whereby a bill was passed so that the Chair can entertain a motion to recommit.**

On Mar. 23, 1970,<sup>(10)</sup> immediately after a voice vote by the House whereby a bill<sup>(11)</sup> was passed, the following proceedings occurred:

PARLIAMENTARY INQUIRY

MR. [DONALD M.] FRASER [of Minnesota]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:<sup>(12)</sup> The gentleman will state it.

MR. FRASER: I was on my feet seeking recognition for the purpose of making a motion to recommit at the time the Speaker was beginning to move to the point of putting the question.

THE SPEAKER: The Chair wants to be absolutely fair. The Chair believes the Members know that.

10. 116 CONG. REC. 8568, 91st Cong. 2d Sess.
11. H.R. 15728, to authorize the extension of certain naval vessel loans and for other purposes.
12. John W. McCormack (Mass.).

Without objection, the action taken on the question of the passage of the bill will be vacated.

There was no objection.

Thereupon, a motion to recommit the bill was offered by Mr. Silvio O. Conte, of Massachusetts. The motion was rejected.

**§ 24.3 In the situation where the House and Senate have passed similar bills, an action sometimes taken by the House is to amend the Senate bill to conform to the provisions of the House bill, and then to vacate, by unanimous consent, those proceedings whereby the House bill was passed.**

On May 18, 1961,<sup>(13)</sup> Mr. Oren Harris, of Arkansas, asked unanimous consent for the immediate consideration of a Senate bill<sup>(14)</sup> and then moved to strike out of all its provisions after the enacting clause, and to insert the provisions of a previously passed House bill<sup>(15)</sup> in lieu thereof. There being no objection, both the bill and an amendment subsequently offered by Mr. Harris were read to the House.

The amendment was agreed to.

13. 107 CONG. REC. 8367, 8368, 87th Cong. 1st Sess.
14. S. 610, providing for the establishment of a U.S. Travel Service within the Department of Commerce and a Travel Advisory Board.
15. H.R. 4614.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

By unanimous consent the proceedings by which the House bill (H.R. 4614) was passed were vacated, and that bill was laid on the table.

**§ 24.4 By unanimous consent, the proceedings whereby a Senate bill had been considered in the House, amended (to include the provisions of a similar House-passed bill), and passed, were vacated, and the bill was indefinitely postponed.**

On May 12, 1970,<sup>(16)</sup> Mr. Don Fuqua, of Florida, asked unanimous consent that the proceedings whereby the House considered, amended, and passed a bill of the Senate<sup>(17)</sup> be vacated and that further proceedings on that bill be indefinitely postponed. There was no objection.

*Parliamentarian's Note:* After passage of the Senate bill it was

16. 116 CONG. REC. 15150, 91st Cong. 2d Sess.; see also 116 CONG. REC. 14951-60, 91st Cong. 2d Sess., May 11, 1970, for proceedings incident to the passage of the bill. For a further example see 108 CONG. REC. 18300, 18301, 87th Cong. 2d Sess., Aug. 31, 1962; and 105 CONG. REC. 7313, 86th Cong. 1st Sess., May 4, 1959.
17. S. 2694, to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teacher's Salary Act of 1955.

found that it contained a tax provision and therefore could not under the Constitution originate in the Senate. After vacating the House passage of the Senate bill, the House passed its own bill (H.R. 17138) and sent it to the Senate.

### *Tabling of Bills*

**§ 24.5 By unanimous consent, proceedings whereby a House bill had been laid on the table were vacated and the bill was again considered, amended, and passed.**

On May 4, 1959,<sup>(18)</sup> Mr. Oren Harris, of Arkansas, asked unanimous consent that the proceedings whereby a bill<sup>(19)</sup> was laid on the table be vacated for the purpose of offering an amendment. There was no objection. Thereupon, Mr. Harris moved to strike out all after the enacting clause and insert in lieu thereof an amendment which he sent to the Clerk's desk. The amendment was read to the House, whereupon the following proceedings took place:

MR. HARRIS: Mr. Speaker, for the information of the Members of the

18. 105 CONG. REC. 7310-13, 86th Cong. 1st Sess.
19. H.R. 5610, to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act, so as to provide increases in benefits and for other purposes.

House, I have asked unanimous consent that the proceedings whereby the bill H.R. 5610 was laid on the table, the amendment agreed to, the bill engrossed and read a third time and passed, be vacated, for the purpose of offering an amendment.

The unanimous-consent request was agreed to, and I have offered an amendment, which has just been read.

The amendment to the bill H.R. 5610 which I have just offered strikes out all after the enacting clause and inserts the provisions of the bill that passed the Senate last week. . . .

The necessity for this action is that last week after the House had taken the action it did, we, as usual, when we have a bill from the other body on the same subject on the Speaker's table, asked that that bill be taken from the Speaker's desk, that all after the enacting clause be stricken out, and that the House-passed bill be inserted. That was the usual procedure we followed, and I made the request after the House had taken its action last week. It later developed that that was not the correct action that should have been taken because there are tax provisions in this legislation. The Constitution provides, as you know, that all legislation relating directly to tax measures, revenues, must originate in the House of Representatives. Therefore, this action to vacate that proceeding is in order to comply with the constitutional provision by passing this legislation in order to accomplish what the House intended last week after it considered this matter rather extensively. . . .

THE SPEAKER [Sam Rayburn, of Texas]: The question is on the amendment.

The amendment was agreed to.

THE SPEAKER: The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

THE SPEAKER: The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

MR. HARRIS: Mr. Speaker, I ask unanimous consent that the proceedings whereby S. 226, an act to amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act, so as to provide increases in benefits, and for other purposes, as amended, was read a third time, and passed, be vacated, and the bill be indefinitely postponed.

THE SPEAKER: Is there objection to the request of the gentleman from Arkansas?

There was no objection.

*Parliamentarian's Note:* There is no motion in the House to take a measure from the table. A unanimous-consent request to vacate proceedings whereby a measure was laid on the table is the available procedure.

### ***Order That Bill Be Reported***

**§ 24.6 By unanimous consent, the House vacated proceedings whereby a committee had ordered a bill reported to the House, prior to**

**actual reporting of the bill, so that the committee could consider proposed amendments thereto.**

On Dec. 5, 1944,<sup>(20)</sup> Mr. Schuyler Otis Bland, of Virginia, asked unanimous consent that the proceedings in the Committee on Merchant Marine and Fisheries by which a bill (H.R. 5387) was ordered to be reported to the House be vacated, for the purpose of considering proposed amendments. The following exchange took place:

MR. [JOSEPH W.] MARTIN of Massachusetts: Mr. Speaker, reserving the right to object, what is the request of the gentleman?

MR. BLAND: It is a bill amending section 101(a) of the Merchant Marine Act of 1936. The purpose is to vacate certain proceedings of the committee, which ordered the bill reported.

THE SPEAKER:<sup>(1)</sup> As the Chair understands, the committee ordered the bill reported, but it has not yet been reported, and the gentleman from Virginia desires it to go back to the committee for further consideration by the committee. Is there objection to the request of the gentleman from Virginia?

There was no objection.

### ***Adoption of Amendments***

#### **§ 24.7 By unanimous consent, proceedings in the Com-**

20. 90 CONG. REC. 8863, 78th Cong. 2d Sess.

1. Sam Rayburn (Tex.).

**mittee of the Whole, whereby an amendment to a bill had been adopted, were vacated, and the Chair again asked if any Member desired to debate it.**

On Mar. 27, 1947,<sup>(2)</sup> after the adoption by the Committee of the Whole of an amendment to a pending bill,<sup>(3)</sup> Mr. John W. McCormack, of Massachusetts, asked unanimous consent that the proceedings by which the amendment had been adopted be vacated. There was no objection to the gentleman's request. Thereupon, the Chairman<sup>(4)</sup> invited any Member, who so desired, to speak on the amendment. Some debate ensued, at the conclusion of which, the amendment was agreed to.

### ***Agreements to Simple Resolutions***

#### **§ 24.8 At the request of the Minority Leader, by unanimous consent, the House agreed to vacate the proceedings whereby it had agreed to a resolution electing minority members to committees of**

2. 93 CONG. REC. 2773, 80th Cong. 1st Sess.

3. H.R. 1, to reduce individual income tax payments.

4. Francis H. Case (S.D.).

**the House, then reconsidered the resolution and agreed to it with an amendment changing the order of names (and thus the seniority on a committee) in the resolution.**

On Feb. 3, 1969,<sup>(5)</sup> the following proceedings occurred in the House:

MR. GERALD R. FORD [of Michigan]: Mr. Speaker, I ask unanimous consent to vacate the proceedings whereby the House agreed to House Resolution 176<sup>(6)</sup> on January 29, and ask for its immediate consideration with an amendment which I send to the desk.

THE SPEAKER:<sup>(7)</sup> Is there objection to the request of the gentleman from Michigan?

There was no objection.

A reading of both the resolution and the amendment offered by Mr. Ford ensued, at the conclusion of which the amendment and the resolution as amended were agreed to. A motion to reconsider was laid on the table.

**§ 24.9 By unanimous consent, the House vacated the proceedings whereby it had agreed, on a previous day, to**

5. 115 CONG. REC. 2433, 91st Cong. 1st Sess.
6. H. Res. 176, establishing the order of names on a resolution electing Members to various committees of the House.
7. John W. McCormack (Mass.).

**a resolution, reconsidered the resolution, and then again agreed to the resolution with a corrective amendment.**

On Feb. 3, 1969,<sup>(8)</sup> Mr. Carl Albert, of Oklahoma, asked unanimous consent to vacate the proceedings whereby the House agreed to a resolution<sup>(9)</sup> and asked for its immediate reconsideration with an amendment which he sent to the desk. There was no objection to the gentleman's request. Thereupon, both the resolution and the amendment offered by Mr. Albert were read to the House. The amendment and the resolution as amended were agreed to.

***Agreement to Concurrent Resolution***

**§ 24.10 By unanimous consent, the House vacated the proceedings whereby it had agreed to a concurrent resolution with an amendment, again considered the resolution, and agreed to it without an amendment.**

8. 115 CONG. REC. 2433, 91st Cong. 1st Sess.
9. H. Res. 177, correcting the name of the Resident Commissioner to correspond with that on the Clerk's official roll.

On June 22, 1965,<sup>(10)</sup> Mr. Dante B. Fascell, of Florida, asked unanimous consent that the proceedings whereby a Senate concurrent resolution<sup>(11)</sup> was amended and agreed to be vacated and that the resolution be considered as agreed to without amendment. There being no objection, it was so ordered.

***Passage of Joint Resolution***

**§ 24.11 A motion to take a matter from the table is not in order in the House; and when a joint resolution has been engrossed, read a third time and passed, and the motion to reconsider laid on the table, the matter can be reopened only by a unanimous-consent request that the proceedings be vacated.**

On Feb. 8, 1973,<sup>(12)</sup> Mr. Harley O. Staggers, of West Virginia, asked for and was granted unanimous consent for the immediate consideration of a joint resolution.<sup>(13)</sup>

A reading of the resolution to the House ensued, at the conclu-

10. 111 CONG. REC. 14425, 89th Cong. 1st Sess.
11. S. Con. Res. 36, relating to the 20th anniversary of the United Nations.
12. 119 CONG. REC. 3929, 3930, 93d Cong. 1st Sess.
13. H.J. Res. 331, to extend the Railway Labor Act.

sion of which the joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Thereafter, Mr. Staggers, who had been recognized to continue his remarks after passage, yielded for a parliamentary inquiry:

MR. [SAMUEL L.] DEVINE [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:<sup>(14)</sup> The gentleman will state it.

MR. DEVINE: It was the understanding of the minority, and I think of a majority of the people on the floor of the House, that when the gentleman from West Virginia made his unanimous-consent request that this bill be brought up, the question was whether or not it could be brought up for immediate consideration without objection. There was no objection, but I am not sure whether I heard the Speaker correctly. The Speaker said that it was engrossed and read a third time and passed.

THE SPEAKER: The gentleman is correct. The Chair had no knowledge of any other procedure. The only procedure the Chair had in his knowledge was it was going to be called up by a unanimous-consent request. Then the Chair said, "without objection, the bill is engrossed, read a third time, and passed." Any Member during that entire procedure could have objected if he desired to do so.

MR. DEVINE: Is the gentleman from West Virginia now making a statement

14. Carl Albert (Okla.).

after the fact, or is this in support of the bill already passed?

THE SPEAKER: The gentleman . . . is doing what is often done on a unanimous-consent bill, and that is explain the bill to the House after passage.

MR. STAGGERS: Mr. Speaker, I ask for 5 minutes to explain and say to the gentleman from Ohio that I did not intend for this to be in this fashion; that I thought I would ask for unanimous consent to bring it to the floor, and that was my intent. The Speaker did make a statement that the bill was engrossed, read a third time, and passed.

MR. DEVINE: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. DEVINE: In view of the statement made by the chairman of the committee that he had no intention that it be brought up under that set of circumstances, and the fact that the Chair has stated that a motion to reconsider has been laid on the table, I would ask the Speaker if a motion would not be in order to remove from the table the motion for reconsideration.

THE SPEAKER: It takes unanimous consent to vacate the proceedings by which a motion to reconsider was laid on the table.

MR. DEVINE: Mr. Speaker, I ask, therefore, unanimous consent to vacate the order of the Chair in connection with this legislation.

THE SPEAKER: The gentleman from Ohio has asked unanimous consent that the proceedings by which the joint resolution was engrossed, read a third time, and passed, and the motion to reconsider laid upon the table, be vacated.

Is there objection to the request of the gentleman from Ohio?

There was no objection. Subsequently, the request for the immediate consideration of the House joint resolution was withdrawn.

Thereupon, without objection, Senate Joint Resolution 59, which had been delivered to the House during discussion of House Joint Resolution 331, and which also dealt with the Railway Labor Act, and differed little from the House joint resolution, was brought before the House for immediate consideration. After Senate Joint Resolution 59 had been read, Mr. Staggers explained the points wherein it differed from the House joint resolution earlier considered, and offered an amendment to the Senate joint resolution. The amendment was agreed to. Senate Joint Resolution 59 was then ordered read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.<sup>(15)</sup>

### ***Postponement of Joint Resolution***

#### **§ 24.12 By unanimous consent, the proceedings whereby a joint resolution had been indefinitely postponed were**

15. 119 CONG. REC. 3933-35, 93d Cong. 1st Sess., Feb. 8, 1973.

**vacated and the resolution restored to the Consent Calendar.**

On Jan. 6, 1936,<sup>(16)</sup> the Clerk called Senate Joint Resolution 118, providing for the filling of a vacancy on the Board of Regents of the Smithsonian Institution of the class other than Members of Congress. By unanimous consent, the Senate joint resolution was indefinitely postponed.

On Feb. 3, 1936,<sup>(17)</sup> Mr. Kent E. Keller, of Illinois, the same Member who had requested that the Senate joint resolution be postponed indefinitely on Jan. 6, 1936, requested unanimous consent that those proceedings be vacated:

MR. KELLER: Mr. Speaker, I ask unanimous consent to vacate the proceedings by which Senate Joint Resolution 118, providing for the appointment of Mr. Morris, a member of the Board of Regents was indefinitely postponed, and reinstate the same on the calendar.

**16.** 80 CONG. REC. 112, 74th Cong. 2d Sess.

**17.** 80 CONG. REC. 1381, 74th Cong. 2d Sess.

THE SPEAKER:<sup>(18)</sup> Is there objection? There was no objection.

Subsequently, on Feb. 17, 1936,<sup>(19)</sup> after the Clerk's call of Senate Joint Resolution 118, the following proceedings occurred:

THE SPEAKER: Is there objection (to the consideration of the resolution)?

MR. [JESSE P.] WOLCOTT [of Michigan]: Reserving the right to object, this is the first time this has been on the Consent Calendar. This is numbered 375. I would like to ask the Chair how it got on the calendar?

THE SPEAKER: The Chair is informed that this joint resolution was indefinitely postponed and later the gentleman from Illinois (Mr. Keller) asked unanimous consent that the proceedings be vacated and the joint resolution restored to the calendar. That request was granted and the joint resolution was restored to the calendar by the order of the House.

Is there objection to the consideration of the joint resolution?

There was no objection.

**18.** Joseph W. Byrns (Tenn.).

**19.** 80 CONG. REC. 2224, 74th Cong. 2d Sess.