

The Chairman sustained the point of order for that same reason.

§ 20. Return of Vetoed Bills

The Constitution provides, in article I, section 7, clause 2, that if the President does not sign a bill presented to him “. . . he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it.”

It is the usual rule that when a vetoed bill is received in the House from the President, the House proceeds at once to consider it. When a veto message is laid before the House the question of passage is considered as pending⁽⁵⁾ and a quorum is required to be present to consider the question.⁽⁶⁾

Presentation of Veto Message to the house

§ 20.1 When a bill is vetoed and returned to the House

5. See 7 Cannon's Precedents §§ 1097-1099.
6. *Id.* at § 1094.

with the President's objections, the veto message is laid before the House, read by the Clerk, and the objections spread at large on the Journal.

On May 28, 1948,⁽⁷⁾ the Speaker pro tempore⁽⁸⁾ laid before the House the veto message of President Harry Truman on the bill (H.R. 1308) for the relief of H. C. Biering, the message having been received in the House on the previous day shortly before adjournment. The message was read by the Clerk and the President's veto spread on the Journal. By unanimous consent, the bill and the message were referred to the Committee on the Judiciary.

Announcement as to Receipt of Veto Message

§ 20.2 Parliamentarian's Note: Where there are veto messages on the Speaker's desk, he may announce that fact so that the Record and Journal will show the receipt of the messages and to notify the Members that consideration thereof is pending.

7. 94 CONG. REC. 6697, 80th Cong. 2d Sess.
8. Charles A. Halleck (Ind.).

On Aug. 2, 1946,⁽⁹⁾ the Speaker⁽¹⁰⁾ announced that the Chair had received veto messages on the bills H.R. 4660 and H.R. 6442 and that they would be laid before the House at the proper time.

Veto Messages Received During Adjournment

§ 20.3 When a veto message from the President is received by the Clerk of the House at a time when the House is not in session, the Clerk transmits the sealed envelope containing the message to the Speaker with a letter explaining the circumstances.

On Aug. 31, 1959,⁽¹¹⁾ the Speaker⁽¹²⁾ laid before the House the following communication from the Clerk of the House:

AUGUST 28, 1959.

The Honorable SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's office at 3:15 p.m. on August 28, 1959,

9. 94 CONG. REC. 10744, 79th Cong. 2d Sess.
10. Sam Rayburn (Tex.).
11. 105 CONG. REC. 17397, 86th Cong. 1st Sess.
12. Sam Rayburn (Tex.).

and said to contain a veto message on H.R. 7509, "An act making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, and the Tennessee Valley Authority for the fiscal year ending June 30, 1960, and for other purposes."

Respectfully yours,

RALPH R. ROBERTS,

Clerk, U.S. House of Representatives.

Parliamentarian's Note: H.R. 7509 had been transmitted to the President on Aug. 18, 1959. The 10-day constitutional limitation for a veto would have expired Aug. 29. The House had adjourned from Thursday, Aug. 27, to Monday, Aug. 31, and the Clerk, pursuant to *Wright v United States* (302 U.S. 583), had authority to receive and did receive the message during a time when the House was not in session.

Likewise, on July 24, 1961,⁽¹³⁾ the Speaker⁽¹⁴⁾ laid before the House the following communication:

JULY 21, 1961.

13. 107 CONG. REC. 13151, 87th Cong. 1st Sess.

For other instances see 111 CONG. REC. 14845, 89th Cong. 1st Sess., June 28, 1965; 110 CONG. REC. 21410, 88th Cong. 2d Sess., Sept. 2, 1964; 110 CONG. REC. 6095, 88th Cong. 2d Sess., Mar. 24, 1964; 96 CONG. REC. 9193, 81st Cong. 2d Sess., June 26, 1950; and 86 CONG. REC. 13601, 76th Cong. 3d Sess., Oct. 28, 1940.

14. Sam Rayburn (Tex.).

The Honorable the SPEAKER,
House of Representatives.

SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's office at 11:15 a.m. on July 21, 1961, and said to contain a veto message on H.R. 4206, "An act for the relief of Melvin H. Baker and Frances V. Baker."

Respectfully yours,

RALPH R. ROBERTS,
Clerk, U.S. House of Representatives.

Parliamentarian's Note: H.R. 4206 had been transmitted to the President on July 11, 1961. The 10-day period within which the President could veto the bill would have expired on July 22. The House had adjourned from Thursday, July 20, to Monday, July 24, and the Clerk, pursuant to procedure recognized as valid in *Wright v United States* (302 U.S. 583), had authority to receive the message during a time when the House was not in session.

§ 20.4 Where the President vetoed several bills during an adjournment period in excess of 10 days, and sent his veto messages to the Clerk of the House, upon reconvening the Speaker laid the messages and bills before the House and referred them to the committees from which they originated.

On Sept. 5, 1945,⁽¹⁵⁾ the Speaker⁽¹⁶⁾ laid before the House the veto messages of the President on five bills⁽¹⁷⁾ received in the House after an adjournment period in excess of 10 days. The Clerk had been authorized on July 21, 1945, to receive messages from the President during the adjournment of the House, which was scheduled to last from July 21 to Oct. 8, 1945. The Congress reconvened on Sept. 5 pursuant to a recall order of its leadership. The Speaker then laid the messages and bills before the House and, by separate motion on each bill, and by unanimous consent, referred them to the committees from which they had originated.

Delivery of Veto Message at Joint Session

§ 20.5 The President personally delivered a veto message

15. 91 CONG. REC. 8322-24, 79th Cong. 1st Sess.
16. Sam Rayburn (Tex.).
17. The bills were: (1) H.R. 259 for the relief of George Gottlieb; (2) H.R. 3477 authorizing improvement of certain harbors in the interest of commerce and navigation; (3) H.R. 952 for the relief of the Morgan Creamery Company; (4) H.R. 1856 for the relief of Southwestern Drug Company; and (5) H.R. 3549 to provide for the conveyance of certain weather bureau property to Norwich University, Northfield, Vt. All of the veto messages were dated before Aug. 1, 1945, the date on which the Senate adjourned.

to a joint session of the Congress.

On May 22, 1935,⁽¹⁸⁾ President Franklin D. Roosevelt personally addressed a joint session of the Congress in order to deliver his veto message of the bill (H.R. 3896), providing for the immediate payment to veterans of the face value of their adjusted-service certificates. The President addressed both Houses pursuant to House Concurrent Resolution 22. He said, "As to the right and propriety of the President in addressing the Congress in person, I am very certain that I have never in the past disagreed, and will never in the future disagree, with the Senate or the House of Representatives as to the constitutionality of the procedure. With your permission, I should like to continue from time to time to act as my own messenger."

The Senate had considered and passed the concurrent resolution (H. Con. Res. 22) authorizing this joint session on the preceding day.⁽¹⁹⁾ Senator Frederick Steiwer, of Oregon, objected to the resolution, observing:

My objection to the concurrent resolution is that it seeks to involve the Senate in this procedure. It proposes

18. 79 CONG. REC. 7993-96, 74th Cong. 1st Sess.

19. *Id.* at pp. 7896-902, 7943.

that the Senate shall meet with the House in joint session, and we are told that the veto message of the President, or the objections which the President proposes to make to a bill which Congress has passed shall not be returned to the House, the body in which the legislation was originated, but that it shall be returned to a joint session of both bodies. It is that procedure which I condemn. It is that procedure which I claim is not countenanced by the Constitution. It is in violation of the Constitution of the United States that this legislation should be returned to the joint body rather than to the body in which the legislation originated. It will be in violation of the Constitution if the objections shall be made to the joint body rather than that they should be entered in the Journal of the House by the normal and usual procedure which has been employed in this country for a century and a half.⁽²⁰⁾

Senator J. W. Robinson, of Utah, responded:

The discussion as to what message is to be heard appears to me to be more or less irrelevant. The concurrent resolution provides for a joint session of the two Houses of the Congress to hear such communications as the President shall be pleased to make.

There is no limitation in the Constitution or in the rules of the two Houses on the occasion or the purposes for which joint sessions may be held. Therefore it is entirely within the discretion or judgment of the two Houses when joint sessions shall convene.⁽²¹⁾

Parliamentarian's Note: As its first business upon reconvening

20. *Id.* at p. 7897.

21. *Id.* at p. 7900.

following the President's address, the House voted to override the Presidential veto on H.R. 3896.⁽²²⁾ The vote in the Senate on May 23 (legislative day of May 13) failed of a two-thirds majority, so that the veto was sustained.⁽¹⁾

Notification of Senate Action on Vetoed Bill

§ 20.6 The Senate notifies the House when it passes a Senate bill over a Presidential veto.

On Aug. 13, 1958,⁽²⁾ the Speaker⁽³⁾ laid before the House the following message from the Senate:

IN THE SENATE OF THE
UNITED STATES,
August 12, 1958.

The Senate having proceeded to reconsider the bill (S. 2266) entitled "An act to provide a method for regulating and fixing wage rates for employees of Portsmouth, N.H., Naval Shipyard," returned by the President of the United States with his objections to the Senate, in which it originated, and passed by the Senate on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.⁽⁴⁾

22. *Id.* at pp. 7996, 7997.

1. *Id.* at pp. 8066, 8067.

2. 104 CONG. REC. 17354, 85th Cong. 2d Sess.

3. Sam Rayburn (Tex.).

4. See also 94 CONG. REC. 8523, 80th Cong. 2d Sess., June 16, 1948; and

Referral of Vetoed Bill Messaged From Senate

§ 20.7 The Senate passed a private bill over the President's veto and messaged it to the House, where it was referred to a committee.

On July 5, 1952,⁽⁵⁾ the Speaker⁽⁶⁾ laid before the House a bill (S. 827)—passed by the Senate over the President's veto—for the relief of Fred P. Hines.

Mr. Emanuel Celler, of New York, moved that the bill and veto message be referred to the Committee on the Judiciary and ordered printed.

The motion was agreed to.

Correcting Errors in Veto Messages

§ 20.8 The White House, having discovered an error in a veto message transmitted to the House, sent a further message to the House correcting the error.

On May 25, 1960,⁽⁷⁾ the Speaker⁽⁸⁾ laid before the House a com-

87 CONG. REC. 6886, 77th Cong. 1st Sess., Aug. 7, 1941.

5. 98 CONG. REC. 9608, 82d Cong. 2d Sess.

6. Sam Rayburn (Tex.).

7. 106 CONG. REC. 11060, 86th Cong. 2d Sess.

8. Sam Rayburn (Tex.).

munication from the President of the United States; this message (shown below) was read and referred to the Committee on Ways and Means.

MAY 23, 1960.

DEAR MR. SPEAKER: An error appears in my message of disapproval on H.R. 7947, a bill relating to the income tax treatment of nonrefundable capital contributions to Federal National Mortgage Association.

In the last sentence of the second paragraph of my message the word "purchases" should be inserted in lieu of the word "sells".

Sincerely,

DWIGHT D. EISENHOWER.

Return of Veto Message to President

§ 20.9 The House complied with the request of the President that a bill and veto message be returned to him.

On Aug. 1, 1946,⁽⁹⁾ the Speaker⁽¹⁰⁾ laid before the House the following message from the President:

To the House of Representatives:

I hereby request the return of H.R. 3420, a bill "to provide for refunds to railroad employees in certain cases so as to place the various States on an equal basis, under the Railroad Unemployment Insurance Act, with respect

⁹ 92 CONG. REC. 10651, 79th Cong. 2d Sess.

¹⁰ Sam Rayburn (Tex.).

to contributions of employees," and my message of July 31 appertaining thereto.

HARRY TRUMAN,
THE WHITE HOUSE,
August 1, 1946.

THE SPEAKER: Without objection, the request of the President will be complied with, and the Clerk will transmit the papers requested.

There was no objection.

Parliamentarian's Note: The President transmitted to the House three veto messages shortly after the convening of the House on Aug. 1. The Speaker observed that included therewith was an apparent veto of H.R. 3420, although he believed that the President had intended to sign the bill. It was suggested that the President send a message to the House requesting the return of the bill before the veto was laid before the House. Such a message was received from the President, which was laid before the House and agreed to, and the bill H.R. 3420 was returned to the President without ever having been read to the House. It should be noted that if the veto message on H.R. 3420 had been laid before the House and read, then under the precedent established in the Senate on Aug. 15, 1876 (4 Hinds' Precedents §3521) the message and bill could not have been returned to the President. The above bill was signed by the President on Aug. 2,

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.).