

# CRS Report for Congress

Received through the CRS Web

## The Presidential Veto and Congressional Procedure

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### Summary

Presidential vetoes are a rejection of legislation approved by majorities in both houses of Congress. Vetoes and congressional efforts to override them are often the reason for, or a reflection of, conflict between Congress and the President. The threat of a presidential veto can prompt the modification of bills moving through the legislative process.

This report provides a brief overview of procedures involved in vetoing a bill and the ways Congress can respond to a presidential veto. Tabular data are provided on the number of presidential vetoes exercised by each President from George Washington to William Clinton. President George W. Bush has not yet exercised the veto.

### Veto Process

When presented with legislation passed by both houses of Congress, the President may sign it into law within the 10-day period prescribed in the Constitution,<sup>1</sup> let it become law without his signature, or issue a regular or “pocket” veto. All bills and joint resolutions, except those proposing amendments to the Constitution, require presentment to the President before they become law. Amendments to the Constitution, which require a two-thirds vote of approval in each chamber, are sent directly to the states for ratification.<sup>2</sup>

When Congress is in session, the President must exercise his veto within the prescribed 10-day period and return the rejected bill to Congress with the reasons for his veto. If the President neither signs nor vetoes legislation sent to him, it will become law without his signature at the end of the period. If, however, Congress has adjourned, preventing the return of a bill, the President may withhold his signature and the bill does not become law. This latter practice is known as a “pocket veto.” Unlike the return of

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<sup>1</sup> U.S. Constitution, Art. I, sec. 7.

<sup>2</sup> *Ibid.*, Art. V.

a vetoed bill, Congress does not have the opportunity or constitutional authority to override a pocket veto.<sup>3</sup>

## Congressional Procedure

Congressional procedure for reconsidering vetoed legislation is similar in both the House and Senate.<sup>4</sup> Congressional action on a vetoed measure begins when the President returns the bill to the chamber of origin along with his objections in the form of a veto message. Once the vetoed legislation has been received by the originating chamber, that house is constitutionally required to “reconsider” the vetoed bill. The Constitution is silent, however, on the meaning of “reconsideration.” Procedure and tradition govern the treatment of vetoed bills returned by the President. On receipt of the vetoed bill, the President’s message is read into the journal of the receiving house. After entering the message into the journal, the House of Representatives or the Senate complies with the constitutional requirement to “reconsider” by laying the measure on the table (essentially stopping further action on it), referring the bill to committee, postponing consideration to a certain day, or immediately voting on reconsideration (vote on override).

Action by both the House and the Senate is required to override.<sup>5</sup> A two-thirds majority vote by Members present (provided there is a quorum) is required to override a presidential veto. When one house fails to override, the other house will not attempt to override, even if the votes are present to succeed. Action by the Senate or the House of Representatives on a veto may be taken at any time during a Congress in which the veto is received.

**Table 1** shows that, since the beginning of the federal government in 1789, 35 of 43 Presidents have exercised their veto authority on a total of 2,550 occasions. Of that number, 1,484, or 58%, have been returned vetoes — that is, the rejected legislation was returned to the congressional house of origin, while it was in session, with a presidential message of explanation — and 1,066, or 42%, were pocket vetoed, or rejected while Congress was adjourned. Some 7.1%, or 106, of the 1,484 regular vetoes have been overridden by Congress.

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<sup>3</sup> Beginning in 1929, there have been several judicial decisions that have attempted to clarify when an adjournment by Congress “prevents” the President from returning a veto. For information on these cases, see CRS Report RL30909, *The Pocket Veto: Its Current Status*, by Louis Fisher.

<sup>4</sup> U.S. Constitution, Art. I, Sec. 7.

<sup>5</sup> Ibid.

**Table 1. Presidential Vetoes, 1789-Present**

<b>President</b>	<b>Congresses coincident with terms</b>	<b>Regular vetoes</b>	<b>Pocket vetoes</b>	<b>Total vetoes</b>	<b>Vetoes overridden</b>
Washington	1, 2, 3, 4	2		2	—
Adams	5, 6	—	—	—	—
Jefferson	7, 8, 9, 10	—	—	—	—
Madison	11, 12, 13, 14	5	2	7	—
Monroe	15, 16, 17, 18	1	—	1	—
J. Q. Adams	19, 20	—	—	—	—
Jackson	21, 22, 23, 24	5	7	12	—
Van Buren	25, 26	—	1	1	—
W.H. Harrison	27	—	—	—	—
Tyler	27, 28	6	4	10	1
Polk	29, 30	2	1	3	—
Taylor	31	—	—	—	—
Fillmore	31, 32	—	—	—	—
Pierce	33, 34	9	—	9	5
Buchanan	35, 36	4	3	7	—
Lincoln	37, 38, 39	2	5	7	—
A. Johnson	39, 40	21	8	29	15
Grant	41, 42, 43, 44	45	48	93	4
Hayes	45, 46	12	1	13	1
Garfield	47	—	—	—	—
Arthur	47, 48	4	8	12	1
Cleveland	49, 50	304	110	414	2
B. Harrison	51, 52	19	25	44	1
Cleveland	53, 54	42	128	170	5
McKinley	55, 56, 57	6	36	42	—
T. Roosevelt	57, 58, 59, 60	42	40	82	1
Taft	61, 62	30	9	39	1
Wilson	63, 64, 65, 66	33	11	44	6

President	Congresses coincident with terms	Regular vetoes	Pocket vetoes	Total vetoes	Vetoes overridden
Harding	67	5	1	6	—
Coolidge	68, 69, 70	20	30	50	4
Hoover	71, 72	21	16	37	3
F. D. Roosevelt	73, 74, 75, 76, 77, 78, 79	372	263	635	9
Truman	79, 80, 81, 82	180	70	250	12
Eisenhower	83, 84, 85, 86	73	108	181	2
Kennedy	87, 88	12	9	21	—
L.B. Johnson	88, 89, 90	16	14	30	—
Nixon	91, 92, 93	26	17	43	7
Ford	93, 94	48	18	66	12
Carter	95, 96	13	18	31	2
Reagan	97, 98, 99, 100	39	39	78	9
G. H. W. Bush <sup>6</sup>	101, 102	29	15	44	1
Clinton	103, 104, 105, 106	36	—	36	2
G. W. Bush	107, 108	—	—	—	—
<b>TOTAL</b>		1,484	1,066	2,550	106

**Source:** U.S. Congress, Secretary of the Senate, *Presidential Vetoes*, 1989-1996, S.Pub. 105-22 (Washington: GPO, 1992), p. 12; U.S. Congress, Secretary of the Senate, *Presidential Vetoes*, 1789-1988, S. Pub. 102-12 (Washington: GPO, 1992), p. 595.

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<sup>6</sup> President Bush attempted to pocket veto two bills during intrasession recess periods. Congress considered the two bills enacted into law because of the President's failure to return the legislation. The bills are not counted in this table. For more information on these vetoes, see CRS Report RL30909, *The Pocket Veto: Its Current Status*, by Louis Fisher.

## **Additional Resources**

### **CRS Products.**

CRS Report RL30909. *The Pocket Veto: Its Current Status*, by Louis Fisher.

### **Other Resources.**

Cameron, Charles M. *Presidents and the Politics of Negative Power* (Cambridge: Cambridge University Press, 2000).

Copeland, Gary. "When Congress and President Collide: Why Presidents Veto Legislation." *Journal of Politics*, vol. 45 (August 1983), pp. 696-710.

Ingberman, Daniel, and Dennis Yao. "Presidential Commitment and the Veto." *American Journal of Political Science*, vol. 35 (May 1991), pp. 357-389.

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Matthews, Steven. "Veto Threats: Rhetoric in a Bargaining Game." *Quarterly Journal of Economics*, vol. 103 (1989), pp. 347-369.

McCarty, Nolan. "Presidential Reputation and the Veto." *Economics and Politics*, vol. 9 (March 1997), pp. 1-26.

Rohde, David and Dennis Simon. "Presidential Vetoes and Congressional Response: A Study of Institutional Conflict." *American Journal of Political Science*, vol. 29 (August 1985), pp. 397-427.

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U.S. Congress, Secretary of the Senate. *Presidential Vetoes, 1989-1996* (Washington: GPO, 1992).