

# CRS Report for Congress

Received through the CRS Web

## Presidential Vetoes, 1789-Present: A Summary Overview

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### Summary

The veto power vested in the President by Article I, Section 7 of the Constitution has proved to be an effective tool for the Chief Executive in his dealings with Congress.

Since the beginning of the federal government in 1789, 35 of 42 Presidents have exercised their veto authority 2,549 times. Of that total number, 1,484 have been returned vetoes—i.e., the rejected legislation was returned to the congressional house of origin, while it was in session, with a presidential message of explanation—and 1,065 were pocket vetoed or rejected while Congress was adjourned. Congress has challenged the President's veto 313 times and succeeded in overriding on 106 occasions.

### How Vetoes Work

After legislation has been approved by both houses of Congress and presented to the President, he may sign it into law within the 10-day period prescribed in the Constitution, let it become law without his signature, or veto it. To become law, congressionally approved bills and joint resolutions, except those proposing amendments to the Constitution, must be presented to the President for final action. Amendments to the Constitution, which require a two-thirds vote in each house, are sent directly to the states for approval. If Congress is in session when the President exercises his veto authority, the disapproved bill is returned to the house where it originated along with a presidential message explaining the reasons for its rejection. To sustain a veto, the President needs the vote of only one more than one-third of a quorum in either the House of Representatives or the Senate.<sup>1</sup>

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<sup>1</sup> A quorum is defined as the number of members whose presence is necessary for the transaction of business. In the Senate and House, it is a majority of the membership (when there are no vacancies, this is 51 in the Senate and 218 in the House). A quorum is 100 in the Committee of the Whole House.

If Congress has adjourned, preventing the return of a bill, the President may withhold his signature beyond the constitutionally prescribed 10-day action period and the bill neither becomes law nor is returned to Congress for further action. This practice has been dubbed a "pocket veto." Unlike the situation when a vetoed bill is returned to a house in session, Congress does not have an opportunity or constitutional authority to override a pocket veto.

Congressional procedure for reconsidering vetoed legislation is similar in both the House and the Senate. Congressional action on a vetoed measure begins when the President returns the bill to the house of origin along with a veto message indicating his objections. Once the vetoed legislation has been received, the originating chamber is constitutionally required "to reconsider" the vetoed bill. The Constitution is silent, however, on the definition of "reconsideration." In lieu of constitutional direction, House and Senate procedures and tradition govern the treatment of vetoed bills returned by the President. Upon receiving a vetoed bill, the President's message is read into the journal of the house to which it was directed, and the constitutional requirement "to reconsider" is realized by laying the measure on the table, referring the bill back to committee, postponing consideration to a certain day, or immediately voting to override.

**Table 1. Presidential Vetoes, 1789-Present:  
A Summary Overview**

<b>President</b>	<b>Coincident Congresses</b>	<b>Regular vetoes</b>	<b>Pocket vetoes</b>	<b>Total vetoes</b>	<b>Vetoes overridden</b>
Washington	1st-4th	2	—	2	—
Adams	5th-6th	—	—	—	—
Jefferson	7th-10th	—	—	—	—
Madison	11th-14th	5	2	7	—
Monroe	15th-18th	1	—	1	—
J.Q. Adams	19th-20th	—	—	—	—
Jackson	21st-24th	5	7	12	—
Van Buren	25th-26th	—	1	1	—
W.H. Harrison	27th	—	—	—	—
Tyler	27th-28th	6	4	10	1
Polk	29th-30th	2	1	3	—
Taylor	31st	—	—	—	—
Fillmore	31st-32nd	—	—	—	—
Pierce	33rd-34th	9	—	9	5
Buchanan	35th-36th	4	3	7	—
Lincoln	37th-39th	2	5	7	—
A. Johnson	39th-40th	21	8	29	15
Grant	41st-44th	45	48	93	4

President	Coincident Congresses	Regular vetoes	Pocket vetoes	Total vetoes	Vetoes overridden
Hayes	45th-46th	12	1	13	1
Garfield	47th	—	—	—	—
Arthur	47th-48th	4	8	12	1
Cleveland	49th-50th	304	110	414	2
B. Harrison	51st-52nd	19	25	44	1
Cleveland	53rd-54th	42	128	170	5
McKinley	55th-57th	6	36	42	—
T. Roosevelt	57th-60th	42	40	82	1
H. Taft	61st-62nd	30	9	39	1
Wilson	63rd-66th	33	11	44	6
Harding	67th	5	1	6	—
Coolidge	68th-70th	20	30	50	4
Hoover	71st-72nd	21	16	37	3
F.D. Roosevelt	73rd-79th	372	263	635	9
Truman	79th-82nd	180	70	250	12
Eisenhower	83rd-86th	73	108	181	2
Kennedy	87th-88th	12	9	21	—
L.B. Johnson	88th-90th	16	14	30	—
Nixon	91st-93rd	26	17	43	7
Ford	93rd-94th	48	18	66	12
Carter	95th-96th	13	18	31	2
Reagan	97th-100th	39	39	78	9
Bush <sup>2</sup>	101st-102nd	29	15	44	1
Clinton	103rd-106th	36	0	36	2
<b>Total</b>		1,484	1,065	2,549	106

**Sources:** U.S. Congress, Senate, Secretary of the Senate, *Presidential Vetoes, 1789-1988*, S. Pub. 102-12, 103rd Cong., 2nd sess. (Washington: GPO, 1992); —. *Presidential Vetoes, 1989-1991*, S. Pub. 102-13, 103rd Cong., 2nd sess., (Washington: GPO, 1992).

<sup>2</sup> President Bush attempted to pocket veto 2 bills during intrasession recess periods. Congress considered the 2 bills enacted into law because of the President's failure to return the legislation. The bills are not counted as pocket vetoes in this table.