

# CRS Report for Congress

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## Congressional Overrides of Presidential Vetoes

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### Summary

The President's veto authority is among his most significant tools in legislative dealings with Congress. It is effective not only in preventing the passage of legislation undesirable to the President, but also as a threat, sometimes forcing Congress to modify legislation before it is presented to the President. Students of executive-legislative relations suggest that Congress's strength rests with passing statutes and the President's in vetoing them. Illustrative of this point is the fact that Presidents have vetoed 1,484 bills and Congress has overridden only 106 of them.

President William Clinton has vetoed 36 bills. Congress has overridden two of these vetoes. As a veto threat is carried out, Congress is faced with choices: letting the veto stand, the difficult task of overriding the veto, meeting the President's objections and sending a new bill forward, or resubmitting the same provisions under a new bill number.<sup>1</sup> In the case of vetoed appropriations bills, the result can be the closure of federal agencies and the furlough of hundreds of thousands of federal employees, with the inevitable disruption of federal programs and services. see CRS Report 98-156, *The Presidential Veto and Congressional Procedure*, CRS Report 98-148, *Presidential Vetoes, 1789-Present: A Summary Overview*, and CRS Report 98-147, *President Clinton's Vetoes*. All veto reports are updated regularly.

### Background

Historically, the veto power granted the President in the Constitution has proven to be an effective tool for the Chief Executive in his dealings with Congress. Article I, Section 7 of the Constitution provides, in effect, that a President needs the vote of only one more than one-third in either the House of Representatives or the Senate to sustain

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<sup>1</sup> H.R. 1854 was vetoed October 3, 1995. See: Legislative Branch Appropriations Act, 1996—Veto Message from the President of the United States (H.Doc.No. 104-122), in *Congressional Record*, daily edition, vol. 141, Oct. 6, 1995, pp. H 9741-9742. H.R. 2492, the Legislative Branch Appropriations Act, 1996, identical to H.R. 1854, passed the House October 31, passed the Senate November 2, and was signed into law on November 19 (P.L. 104-53).

a veto. Congressional procedure and tradition, not the Constitution, have determined that a vote of two-thirds of either or both houses of Congress means a vote of two-thirds of those Members present and voting (provided there is a quorum) and not, as is the practice in some states, two-thirds of those elected.

The Constitution states that, when the President vetoes a bill, “he shall return it with his objections to the House in which it shall have originated.” This type of veto is referred to as a regular or return veto. The returned veto then becomes a question of “high privilege,” or, in other words, takes precedence over other pending business before Congress. Neither house, however, is under any legal, constitutional, or procedural obligation to schedule an override vote attempt, but may do so anytime during a Congress. It is not unusual for Congress to make no effort to override a President’s veto if party leaders feel they do not have sufficient votes. In still other cases, vetoes have been challenged and sustained in one house, eliminating the need for a vote in the other chamber.

Although a measure may have passed originally by a large majority vote in both Houses, a two-thirds majority of those present in each chamber is required to override the President’s veto. Prior to 1969, Congress overrode approximately 1 of every 18 (5.7%) regular vetoes. Since 1969, Congress has been more successful, overriding about 1 out of every 5 (18.3%) regular vetoes. See Table 1.

Table 1. Vetoes Overridden, 1789-Present

| President            | Regular Veto | Override | President      | Regular Veto | Override   |
|----------------------|--------------|----------|----------------|--------------|------------|
| Washington           | 2            | —        | B. Harrison    | 19           | 1          |
| Adams                | —            | —        | Cleveland      | —            | —          |
| Jefferson            | —            | —        | (2nd term)     | 42           | 5          |
| Madison              | 5            | —        | McKinley       | 6            | —          |
| Monroe               | 1            | —        | T. Roosevelt   | 42           | 1          |
| J.Q. Adams           | —            | —        | Taft           | 30           | 1          |
| Jackson              | 5            | —        | Wilson         | 33           | 6          |
| Van Buren            | —            | —        | Harding        | 5            | —          |
| W.H. Harrison        | —            | —        | Coolidge       | 20           | 4          |
| Tyler                | 6            | 1        | Hoover         | 21           | 3          |
| Polk                 | 2            | —        | F.D. Roosevelt | 372          | 9          |
| Taylor               | —            | —        | Truman         | 180          | 12         |
| Fillmore             | —            | —        | Eisenhower     | 73           | 2          |
| Pierce               | 9            | 5        | Kennedy        | 12           | —          |
| Buchanan             | 4            | —        | L.B. Johnson   | 16           | —          |
| Lincoln              | 2            | —        | Nixon          | 26           | 7          |
| A. Johnson           | 21           | 15       | Ford           | 48           | 12         |
| Grant                | 45           | 4        | Carter         | 13           | 2          |
| Hayes                | 12           | 1        | Reagan         | 39           | 9          |
| Garfield             | —            | —        | Bush           | 29           | 1          |
| Arthur               | 4            | 1        | Clinton        | 36           | 2          |
| Cleveland (1st term) | 304          | 2        | <b>Totals</b>  | <b>1484</b>  | <b>106</b> |

### President Clinton's Vetoes

Of the 36 vetoes exercised by President Clinton, all have been regular vetoes, which have been returned to Congress and subject to congressional override votes. Table 2 provides information about the Clinton vetoes.

Table 2. President Clinton's Vetoes

| Bill Number   | Date of Veto | Title  | Override Attempt  |
|---------------|--------------|--|---|
| H.R. 1158     | 06/07/95     | Second Supplemental Appropriations and Rescissions Act for FY1995            | No attempt.   |
| S. 21         | 08/11/95     | Bosnia and Herzegovina Self-Defense Act of 1995                              | No attempt.   |
| H.R. 1854     | 10/03/95     | Legislative Branch Appropriations for FY1996                                 | No attempt.   |
| H.R. 2586     | 11/13/95     | Increase in the Statutory Debt Limit   | No attempt.   |
| H.J. Res. 115 | 11/14/95     | Second Continuing Resolution for FY1996                                      | No attempt.   |
| H.R. 2491     | 12/06/95     | Budget Reconciliation  | No attempt.   |
| H.R. 1977     | 12/18/95     | Interior Appropriations for FY1996   | House sustained 01/04/96 by 239-177.  |
| H.R. 2099     | 12/18/95     | Veterans Affairs and Housing and Urban Development Appropriations for FY1996 | No attempt.   |
| H.R. 2076     | 12/19/95     | Commerce, Justice, and State Appropriations for FY1996                       | House sustained 01/03/96 by 240-159.  |
| H.R. 1058     | 12/19/95     | Securities Litigation Reform Act   | House overrode 12/20/95 by 319-100. Senate overrode 12/22/95 by 68-30. Public Law 104-67. |
| H.R. 1530     | 12/28/95     | Defense Authorizations for FY1996  | House sustained 01/03/96 by 240-156.  |
| H.R. 4        | 01/09/96     | Welfare Reform Act   | No attempt.   |
| H.R. 1833     | 04/10/96     | Partial-Birth Abortion Ban Act of 1995                                       | House overrode 09/19/96 by 285-137. Senate sustained 09/26/96 by 57-41.                   |
| H.R. 1561     | 04/12/96     | American Overseas Interest Act of 1996                                       | House sustained 04/30/96 by 234-188.  |
| H.R. 956      | 05/02/96     | Common Sense Product Liability Legal Reform Act of 1996                      | House sustained 05/09/96 by 258-163.  |
| H.R. 743      | 06/30/96     | Teamwork for Employees and Managers Act of 1996                              | No attempt.   |
| H.R. 2909     | 10/02/96     | Amends Silvio O. Conte National Fish and Wildlife Refuge Act                 | No attempt.   |
| H.R. 1469     | 06/09/97     | Flood Relief Bill  | No attempt.   |
| H.R. 1122     | 10/10/97     | Partial Birth Abortion   | House overrode 07/23/98 by 296-132. Senate sustained 09/18/98 by 64-36.                   |
| H.R. 2631     | 11/13/97     | Disapproving Cancellations   | House overrode 02/05/98 by 347-69. Senate overrode 02/25/98 by 78-20. P.L. 105-159.       |
| S. 1502       | 05/20/98     | D.C. Student Vouchers  | No attempt.   |
| H.R. 2709     | 06/23/98     | Iran Sanctions bill  | No attempt.   |
| H.R. 2646     | 07/21/98     | Education Savings Account  | No attempt.   |
| H.R. 4101     | 10/07/98     | FY1999 Agriculture Appropriations  | No attempt.   |
| H.R. 1757     | 10/21/98     | Foreign Affairs Reform   | No attempt.   |
| H.R. 2488     | 09/23/99     | Tax Relief Bill  | No attempt.   |
| H.R. 2587     | 09/28/99     | D.C. Appropriations, FY2000  | No attempt.   |
| H.R. 2606     | 10/18/99     | FY00 Foreign Operations Spending   | No attempt.   |
| H.R. 2670     | 10/26/99     | Commerce, Justice, and State Appropriations, FY00                            | No attempt.   |
| H.R. 3064     | 11/03/99     | District of Columbia Appropriations, FY2000                                  | No attempt.   |
| S. 1287       | 04/25/00     | Nuclear Waste Policy Amendments of 2000                                      | Senate sustained 05/03/00 by 64-35.   |

| Bill Number | Date of Veto | Title  | Override Attempt  |
|-------------|--------------|--|---|
| H.R. 4810   | 08/05/00     | Marriage Tax Relief Bill                       | House sustained 09/13/00 by 270-158.                                  |
| H.R. 8      | 08/31/00     | Estate Tax Elimination Act                     | House sustained 09/07/00 by 274-157.                                  |
| H.R. 4733   | 10/07/00     | Energy and Water Development Appropriations    | House overrode 10/11/00 by 315-98. Senate referred veto to committee. |
| H.R. 4516   | 10/30/00     | Legislative Branch and Treasury Appropriations | No attempt.   |
| H.R. 4392   | 11/04/00     | Intelligence Reauthorization Bill              | No attempt.   |

## References

U.S. Congress, Secretary of the Senate, *Presidential Vetoes, 1789-1988* (Washington: GPO, 1992), 595 pp. S. Pub. 102-12.

U.S. Congress, Secretary of the Senate, *Presidential Vetoes, 1989-1991* (Washington: GPO, 1992), 12 pp. S. Pub. 102-13.

## CRS Reports

CRS Report 98-156. *The Presidential Veto and Congressional Procedure*, by Gary L. Galemore.

CRS Report 98-148. *Presidential Vetoes, 1789-Present: A Summary Overview*, by Gary L. Galemore.

CRS Report 98-147. *President Clinton's Vetoes*, by Gary L. Galemore.