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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 1,471 bills and Congress has overridden only 105 of them.

President William Clinton has vetoed 23 bills. Congress has overridden one 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.¹ 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.

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 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

¹ 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).

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	23	1
Cleveland (1st term)	304	2	Totals	1471	105

President Clinton's Vetoes

Of the 23 vetoes exercised by President Clinton, all have been regular vetoes, which have been returned to Congress and which are 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 FY1995	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.

Bill Number	Date of Veto	Title	Override Attempt
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
H.R. 2631	11/13/97	Disapproving cancellations	No attempt.
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.

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