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VETOES

"Every bill which shall have passed" both Houses "shall before it becomes law, be presented to the President of the United States" for his approval. He has 10 days, Sundays excluded, in which to sign a bill submitted to him, and that time begins to run at midnight of the day on which it was submitted to the White House and ends at midnight of the 10th day.

If he signs it or does not sign it within that 10-day period during which Congress is in session it becomes law. If he vetoes it, the veto message with the bill will be returned to the House in which the bill originated, for first reconsideration. If the House to which he returns it never acts thereon or does not override the veto, the other House never receives that message.

If the House to which he returns the veto message overrides it by passing the bill, the objections of the President to the contrary notwithstanding, the veto message, together with the bill, will be sent to the other House, informing it of that action. Here the veto may be overridden or sustained. If overridden, by passing the bill on reconsideration the objections of the President to the contrary notwithstanding, the bill becomes law.

Set forth below are some of the practices and precedents utilized in the consideration and disposition of a veto message.

Constitution, Article I, Section 7

[Veto Power and Congressional Procedure To Override]

Every Bill which shall have passed the House of Representatives and the Senate, shall before it becomes a Law, be presented to the President of the United States; if he approves he shall sign it, but if not, 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. If after such Reconsideration two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Conference Report and Veto Message, Consideration of:

See "Conferences and Conference Reports," pp. 449–493.

Consideration and Precedence of Veto Messages:

See also "Privileged Business," pp. 1034–1037.

Under the precedents of the two Houses of Congress, the constitutional provision which requires reconsideration of a bill returned by the President of the United States without his approval is met by action taken in having the message read and an agreement entered into for its reconsideration,[1] by referring it to a committee,[2] or by tabling it.[3] The Constitutional requirement for immediate consideration of a Presidential veto message may be delayed by unanimous consent.[4]

It is not in order to reconsider a vetoed bill until the accompanying message or objections of the President have been entered or spread in full upon the Senate *Journal*;[5] this cannot be done until it has been read;[6] and after the reading of the message, the regular order is its spreading upon the *Journal*.[7]

The mere reading of the President's message is not spreading it upon the *Journal* in accordance with the Constitution.[8] Under current practice, if it is desired to act immediately upon a veto message after the receipt thereof, the message is read, unless the reading is waived by unanimous consent, and a copy of the message as sent by the President is affixed to the *Journal* minute book, which is considered spreading it on the *Journal* or entering "the Objections at large on their *Journal*."

The question on passage of a bill over the President's veto does not arise on motion, but is automatically stated by the Presiding Officer.[9]

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[1] *See* May 22, 1935, 74-1, *Record*, p. 7983.
[2] *See* "Reference of Veto Message," pp. 1117–18.
[3] *See* "Tabling of Veto," p. 1119.
[4] May 27, 1988, 100-2, *Record*, p. S 7042.
[5] June 7, 1924, 68-1, *Journal*, pp. 462–70, *Record*, pp. 11127–30, 11161: *see also* Feb. 26, 1931, 71-3, *Record*, pp. 6089–90; Feb. 25, 1927, 69-2, *Journal*, p. 221, *Record*, p. 4779; *see* June 30, 1970, 91-2, *Record*, pp. 22277–78.
[6] *See* Feb. 26, 1931, 71-3, *Record*, pp. 6089–90.
[7] Feb. 25, 1927, 69-2, *Journal*, p. 221, *Record*, p. 4779.
[8] June 7, 1924, 68-1, *Journal*, p. 462, *Record*, pp. 11127–30, 11161.
[9] *See* June 25, 1943, 78-1, *Record*, p. 6488.

Where a veto message is laid before the Senate it is necessary, in order to comply with the constitutional mandate, that the Presiding Officer state the question on its passage notwithstanding the objections of the President; [10] and the form of the question to be submitted to the Senate as to its passage is, "Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?" [11]

The Vice President in 1920 ruled that when a veto message was laid before the Senate, it was the duty of the body under the Constitution to determine whether it would or would not pass the bill notwithstanding the objections of the President.[12]

It does not require unanimous consent to receive a veto message from the House.[13]

A veto message from the President of the United States may be laid before the Senate as a privileged matter while another question is pending; and the Senate may dispose of the message at its pleasure.[14]

A motion to proceed to the reconsideration of a vetoed bill is a question of highest privilege,[15] and will not displace unfinished business, if agreed to; [16] but a Senator cannot be taken from the floor for its consideration,[17] nor is a motion in order when a Senator having the floor declines to yield for that purpose.[18]

After a message of the President returning a bill without approval has been spread upon the Senate *Journal*, it is in order at any time to move that the Senate proceed to the reconsideration of such bill.[19]

The Presiding Officer, in 1919, ruled that a House message on a vetoed bill could be laid before the Senate while in executive session, but declined to rule at that time whether or not action thereon could be taken without a return to legislative session; the Senate subsequently returned to legislative session, when the message was laid

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[10] May 3, 1924, 68-1, *Record*, p. 7756.
[11] Feb. 2, 1917, 64-2, *Record*, pp. 2465-68.
[12] *See* Dec. 30, 1920, 66-3, *Record*, pp. 811-12.
[13] July 16, 1937, 75-1, *Journal*, p. 411.
[14] Aug. 24, 1912, 62-2, *Record*, pp. 11796-97.
[15] *See* Mar. 4, 1927, 69-2, *Record*, p. 5890; May 20, 1948, 80-2, *Record*, pp. 6190-91; June 14, 1918, 80-2, *Record*, p. 8087; May 22, 1935, 74-1, *Record*, p. 7978; June 30, 1970, 91-2, *Record*, pp. 22277-78.
[16] *See* Mar. 4, 1927, 69-2, *Record*, p. 5890; June 16, 1948, 80-2, *Record*, pp. 8413-14; July 29, 1912, 62-2, *Record*, pp. 9803-04.
[17] *See* May 22, 1935, 74-1, *Record*, pp. 7979-83; July 16, 1937, 75-1, *Journal*, p. 411.
[18] July 13, 1937, 75-1, *Journal*, p. 411, *Record*, pp. 7110-12.
[19] *See* May 28, 1930, 71-2, *Record*, pp. 9712, 9722.

before the Senate and the reconsideration of the bill proceeded with.[20]

In 1924, the Chair ruled that the reconsideration of a vetoed bill had precedence over a bill being considered under a unanimous consent agreement even though the agreement provided that the latter bill should not be laid aside until finally disposed of except by unanimous consent.[21] Under current practices, unanimous consent agreements are construed strictly and the consideration of a veto message when the Senate is operating under such an agreement would likely be delayed, except by unanimous consent.

A veto message laid before the Senate during the consideration of morning business was held, upon a demand for the regular order, to have precedence,[22] and a motion to take up such a message in the Morning Hour does not violate a unanimous consent agreement relative to unfinished business.[23]

Any Senator can move to take up such a matter when he obtains the floor in his own right,[24] but while a motion to proceed to the consideration of a vetoed bill is privileged, a majority vote is required for its adoption.[25]

The laying before the Senate of messages from the House of Representatives on the desk of the Vice President will not displace the unfinished business then pending or a privileged motion to proceed to the reconsideration of a vetoed bill.[26]

The consideration of a veto measure when laid before the Senate and considered without objection will suspend the consideration of but not displace a pending conference report.[27]

A motion to proceed to the consideration of a veto message of the President has precedence over a motion to make such a message a special order.[28]

All other business does not have to be postponed until a veto message has been considered.[29]

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[20] Oct. 28, 1919, 66-1, *Record*, pp. 7619-20.
[21] Dec. 16, 1924, 68-2, *Journal*, p. 38, *Record*, p. 644.
[22] June 7, 1924, 68-1, *Journal*, p. 462, *Record*, pp. 11127-30.
[23] Dec. 16, 1924, 68-2, *Journal*, p. 38.
[24] *See* July 13, 1937, 75-1, *Journal*, p. 411, *Record*, pp. 7110-12.
[25] *See* May 8, 1924, 68-1, *Record*, p. 8092.
[26] *See* Mar. 4, 1927, 69-2, *Record*, p. 5896.
[27] *See* Mar. 3, 1931, 71-3, *Record*, p. 7048.
[28] Mar. 27, 1934, 73-2, *Record*, p. 5511.
[29] July 16, 1937, 75-1, *Journal*, p. 411.

A veto message, previously laid before the Senate and ordered to lie on the table, may not upon a request be again laid before the Senate as a privileged matter where the regular order is the unfinished business.[30]

Debatable, Reconsideration of Veto:

See Germaneness of Debate," pp. 742-745; "Veto, Debate of," pp. 786-787.

Executive Session, Veto Received in:

See also "Veto Message," p. 911.

The Senate may receive a veto message from the House of Representatives notwithstanding the fact that the Senate is in executive session at the time the message is presented.[31]

Joint Session, Veto Message Delivered in:

See "Veto Message," pp. 841-842.

Laid Before Senate as Privileged Business, Veto Message:

See "Consideration and Precedence of Veto Messages," pp. 1382-1385; "Privileged Business," pp. 1034-1037.

Lie on Table, Veto Message:

See "Veto Message," p. 911; "Tabling of Veto," p. 1119.

Pairs in Vote on Veto:

See "Pairs," pp. 968-970.

Postponement of Veto Message:

A motion to postpone the consideration of a veto message to a day certain is in order [32] and debatable.[33]

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[30] July 29, 1912, 62-2, *Record*, pp. 9803-04.
[31] May 25, 1988, 100-2, *Record*, p. S 6555.
[32] Feb. 28, 1913, 62-3, *Record*, p. 4298; Feb. 2, 1917, 64-2, *Record*, pp. 2465-68; *see also* July 29, 1892, 53-1, *Record*, p. 6930.
[33] *See* Feb. 28, 1913, 62-3, *Record*, p. 4298.

Reconsideration of Vote:

It is in order to reconsider the vote whereby the Senate failed to override a Presidential veto of a measure.[34] Likewise, it is in order to enter a motion to reconsider the vote by which the Senate failed to override a veto.[35] However, a motion to reconsider a successful vote of the Senate to override a Presidential veto was held by the Chair to be out of order.[36]

The vote on the reconsideration of a vetoed bill may be reconsidered, when the first vote loses, as was done in the case of S. 53, for the improvement of the Patapsco River in the 34th Congress, after the first vote to override the veto had failed to carry.[37]

Reference of Veto Message:

See also "References to Committees," pp. 1150–1169.

A veto message having been read, a motion to refer it to a committee is in order; [38] the motion takes precedence over a demand for a vote on overriding; [39] and the motion is debatable even in the Morning Hour.[40]

While a motion to proceed to the reconsideration of a vetoed bill is pending, a motion to refer such a bill to a committee is not in order; [41] the vetoed bill must first be before the Senate.

The Presiding Officer of the Senate in 1918, decided that a veto message could not be referred to a committee, but that it must be voted upon or lie upon the table until called up for consideration,[42] but this procedure is no longer the practice of the Senate.

A unanimous consent agreement for a vote on a vetoed bill at a fixed hour precludes a motion to refer it to a committee.[43]

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[34] Apr. 1, 1987, 100-1, *Record*, p. S 4357; June 5, 1986, 99-2, *Record*, p. 12665.
[35] June 8, 1988, 100-2, *Record*, p. S 7385.
[36] Feb. 4, 1987, 100-1, *Record*, p. S 1708.
[37] Aug. 16, 1856, 34-1, *Journal*, pp. 603, 621-22; *see also* Sept. 25, 1973, 93-1, *Record*, p. 31310.
[38] June 23, 1987, 100-1, *Record*, pp. S 8438-50; *see* Aug. 6, 1942, 77-2, *Record*, p. 6752; Apr. 17, 1958, 85-2, *Record*, p. 6622.
[39] *See* House precedents: Oct. 10, 1940, 76-3, *Record*, pp. 13522, 13534.
[40] Dec. 16, 1924, 68-2, *Journal*, p. 39, *Record*, p. 645.
[41] Dec. 16, 1924, 68-2, *Journal*, p. 38, *Record*, p. 644.
[42] July 11, 1918, 65-2, *Record*, pp. 8966-68.
[43] June 2, 1930, 71-2, *Journal*, p. 410.

Returned by President After Expiration of Time Limit:

The President of the United States, after the time limit for action had expired, returned to the Senate a bill without approval, with a statement that the Secretary and the President of the Senate, during a 3-day adjournment of the Senate, had declined to receive the veto message.[44]

Returned During an Adjournment of Senate:

Veto messages may be received by the Secretary of the Senate during an adjournment even if the Secretary has not been granted specific authority to receive messages from the President of the United States.[45]

Returned During a Recess of Senate:

Veto messages may be received by the Secretary of the Senate during a recess of the Senate even if the Secretary has not been granted specific authority to receive messages from the President of the United States.[46]

Veto messages may be received by the Secretary of the Senate during a recess for not more than 3 days without an order of the Senate,[47] and where the 10-day period would have expired on a day when the Senate was not in session.[48]

Returned to House of Origin:

A vetoed bill is returned by the President of the United States, "with his objections to that House in which it shall have originated * * *."[49]

In one instance, at a joint meeting of the two Houses, the President of the United States returned to the House of Representatives without his approval an act providing for the immediate payment of adjusted-service certifi-

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[44] May 22, 1888, 50-1, *Journal*, p. 857, *Record*, p. 4495.

[45] June 20, 1983, 98-1, *Record*, p. 16312.

[46] Mar. 22, 1982, 97-2, *Record*, pp. 4843-44.

[47] Mar. 19, 1934, 73-2, *Record*, p. 199; July 1, 1935, 74-1, *Journal*, p. 490; May 7, 1936, 74-2, *Journal*, p. 269, *Record*, p. 6767; June 11, 1956, 84-2, *Record*, p. 9939; June 6, 1955, 84-1, *Record*, p. 7605; Jan. 2, 1951, 81-2, *Record*, p. 17078; July 6, 1949, 81-1, *Record*, p. 8904; May 17, 1948, 80-2, *Journal*, p. 321, *Record*, p. 5895; Apr. 23, 1947, 80-1, *Journal*, p. 207; Feb. 21, 1946, 79-2, *Record*, p. 1510; Mar. 3, 1944, 78-1, *Record*, p. 2183.

[48] May 7, 1936, 74-2, *Journal*, p. 269, *Record*, p. 6767.

[49] Constitution, Art. I, sec. 7.

cates and gave his reasons in person to the two Houses for such action.[50]

Tabling of Veto:

A veto message having been read, a motion to refer or a request that it lie on the table is in order.[51]

A motion to take up a vetoed bill may be laid on the table by a majority vote only, and does not require a two-thirds vote.[52]

Such a motion is not in violation of the constitutional requirement for reconsideration, which was complied with at the session at which the veto message was received.[53]

Time of Passage Over Veto Announced:

In 1919, the hour of the passage of the National Prohibition Enforcement Act over the President's veto was announced by the Vice President,[54] as was also done in the cases of the Revenue Act of 1943 [55] and the tax reduction bill in 1948.[56]

Unfinished Business Not Displaced by Veto:

See "Consideration and Precedence of Veto Messages," pp. 1382–1385.

Vote on Veto:

A yea and nay vote is required under the Constitution for the passage of a bill over the President's veto.[57] The vote required to override a Presidential veto is two-thirds of those Senators voting, a quorum being present.[58]

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[50] May 21 and 22, 1935, 74-1, *Journal*, p. 365, *Record*, pp. 7942, 7993.
[51] *See* Aug. 6, 1942, 77-2, *Record*, p. 6752.
[52] Mar. 4, 1927, 69-2, *Journal*, p. 278, *Record*, pp. 5887–88.
[53] *Ibid.*
[54] Oct. 28, 1919, 66-1, *Record*, p. 7633.
[55] Feb. 24 and 25, 1944, 78-1, *Record*, p. 2050.
[56] Apr. 2, 1948, 80-2, *Record*, p. 4026.
[57] Oct. 1, 1986, 99-2, *Record*, p. 27567; June 21, 1940, 76-3, *Record*, p. 8789; Oct. 28, 1919, 66-1, *Record*, p. 7633.
[58] Sept. 10, 1982, 97-2, *Record*, p. 23166.

In one instance a bill was unanimously passed over the veto of the President, who announced his willingness that such action be taken, the bill having been vetoed under a misapprehension of the facts.[59]

[59] May 23, 1908, 60-1, *Record*, p. 6823.