



## [Records on Pocket Vetos](#)

**FOIA Number:** 2004-1425-F

**Scope and Content Note:**

The materials in FOIA 2004-1425-F are a selective, not necessarily all inclusive, body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related materials. FOIA 2004-1425-F contains materials from agencies and individuals including the Executive Office of the 2004-1425-F 2 President (including the Counsels Office and the Office of Management and Budget), the United States Senate and House of Representatives, and the U. S. Departments of Justice and Defense among others. The subject matter pertains to the debate between the President (and his advisors) and members of Congress regarding the President's use of the "pocket veto" as prescribed in the U. S. Constitution. That executive power is intended to protect both the President's authority to veto legislation while not circumventing the Congress' prerogative to override a veto. The Constitution states: "" 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. " At issue was how the Executive and Legislative branches defined an adjournment that prohibited the President from returning a bill to Congress. The latter insisted that only adjournments sine die (from the Latin "without day", meaning without assigning a day for a further meeting or hearing) provided an opportunity for the pocket veto due to each house designating an agent to receive the bills while out of session. The Bush Administration, however, held that the authority to deny passage could also be employed during inter- and/ or intra-session adjournments or recesses. The Statement of Administration Policy regarding the issue read: "The Constitution states that the President may prevent a bill from becoming law by withholding his signature if the Congress, by adjourning, prevents him from returning the bill. The House and Senate each designate agents to receive veto messages when they adjourn. The Administration believes that the President may exercise his pocket veto whenever Congress adjourns for more than three days."

**Processed by:** Staff Archivists, January 2010. Previously restricted materials are added as they are released.