How a Bill Becomes a Law: Crash Course Government and Politics #9

Crash Course: U.S. Government and Politics
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Hi, I'm Craig, and this is Crash Course: Government and Politics, and today, I've got my work cut out for me because I'm going to try to do something that every single social studies teachers in the U.S. has tried to do, even though there is a perfectly good cartoon you could just show. It's from the '70s. It's catchy. It's fun. That's right, we're going to learn how a bill becomes a law. But we're not going to be able to license the Schoolhouse Rock song.

[singing] I'm just a bill, yes, I'm only a - you know what has a bill? An eagle.

[Crash Course intro plays

Okay, I think the only way we're going to possibly be able to compete with Schoolhouse Rock is to jump right into the Thought Bubble with our own cartoon. And we'll stop talking about Schoolhouse Rock.

So let's start at the very beginning, which in this case is actually the Congressman or Senator introducing a bill. The real beginning is when he or she has an idea for a law. And even this might come from an interest group, the executive branch, or even the constituents. But the formal process begins with the legislator introducing the bill. After its introduction, the bill's referred to a committee.

Although most bills can start in either house, except for revenue bills, which must start in the House, let's imagine that our bill starts in the Senate, because it's easier. Congress has the power to make rules concerning the Armed Forces, so let's say this is a bill about naming helicopters. Anywho, this bill would be referred to the Senate Armed Services Committee, which would then write up the bill in formal, legal language, or markup, and vote on it. If the markup wins a majority in the committee, it moves to the floor of the full Senate for consideration.

The Senate decides the rules for debate - how long the debate will go on and whether or not there will be amendments. An open rule allows for amendments and a closed rule does not. Open rules make it much less likely for a bill to pass because proponents of the bill can add clauses that will make it hard for the bill's proponents to vote for.

If opponents of our helicopter name bill were to add a clause repealing the Affordable Care Act or something, some supporters of the bill probably wouldn't vote for it. If a bill wins the majority of the votes in the Senate, it moves onto the House. Thanks Thought Bubble.

We're going to have to go the rest of the way without fancy animation. But I could sing it. Laaaa- I'm not going to sing it. I'm not going to use a funny voice.

The Senate version of the bill is sent to the House. The House has an extra step, in that all bills before they go out to the floor of the House must go to the Rules Committee, which reports it out to the House. If the bill receives the majority of votes in the House, 238 or more to be exact, it passes. YAY!

Now, this is important. The exact same bill has to pass both houses before it can go to the president. This almost never happens though. Usually the second house to get the bill will want to make some changes to it, and if this happens, it will go to a conference committee, which is made up of members from both houses. The conference committee attempts to reconcile both versions of the bill and come up with a new version, sometimes called a compromise bill.

Okay, so if the Conference Committee reaches a compromise, it then sends the bill back to both houses for a new vote. If it passes, then it's sent to the President. And then the President signs the bill, boom, done. That's the only option.

Oh, there's 2 other options, actually. Option 2 is for him to veto the bill and we've gone through all of this for nothing. The 3rd option is only available at the end of a congressional term. If the President neither signs nor vetoes the bill, and then in the next 10 days, Congress goes out of session, the bill does not become a law. This is called a pocket veto, and this is only used when the President doesn't want a law to pass, but for political reasons, doesn't want to veto it either.

Congress can avoid this all together by passing bills and giving them to the President before that 10 day period. If the President neither signs nor vetoes the law and Congress remains in session for more then 10 days, the bill becomes a law without the President's signature.

So that is the basic wrinkle, but if you want to be all Madisonian about it, check, on the president's power. If Congress really wanted a bill and the President has vetoed it, they can override the veto if cuts a 2/3 majority in both houses on a second vote. Then the bill becomes a law over the President's signature. Oh snap!

This is really rare, but it does happen once in a great while. The Taft-Hartley Act of 1953 passed over Truman's veto. I like to call it the Tartley Act. Shorten it. It's a portmanteau.

It doesn't happen that often because if the President knows that 2/3rd of the Congressmen supported the bill, he won't veto it. If Congress knows that they don't have two thirds support, they won't try to override the veto. Nobody wants to try something and fail in public, right? Except for me obviously, if you look at my other YouTube channel, WheezyWaiter. Eh.

So there you have it, how a bill becomes a law. I'll admit, the process is a little cumbersome, but it's designed that way so that we don't get a lot of stupid or dangerous laws. Still this doesn't quite explain why so few laws get passed. Bills have a very high mortality rate, and it's way more common for a bill not to become a law than to become one. The main reason is that there are so many places where a bill can die.

The first place that a bill can die is at the murderous hands of the speaker or majority leader, who refuses to refer it to committee. Then the committee can kill the bill by not voting for it at all. And if they do vote and it doesn't get a majority then the bill doesn't go to the floor, and it's dead.

In the Senate the murderous leadership can kill a bill by refusing to schedule a vote on it. And any senator can filibuster the bill which is when he or she threatens to keep debating until the bill is tabled. It's a bit more complex than that, but the filibuster rules have changed recently, so hopefully we won't have as many filibuster threats in the future.

The House doesn't have a filibuster but it does have a Rules Committee that can kill a bill by not creating a rule for debate. The entire House can also vote to recommit the bill to committee, which is a signal to drop the bill or change it significantly.

And of course if either house fails to give a bill a majority of votes, then it dies. This applies to compromise bills coming out of conference committees too. Even if a bill gets in both houses then there's that whole veto thing that the President can do. Remember?

So, there are many more ways for a bill to be killed than to become a law. These hurdles are sometimes called veto gates. They can't call them Bill Gates because that's a person.

Veto gates make it very difficult for Congress to act unless there's broad agreement or the issue is uncontroversial like naming a post office or thanking specific groups of veterans for their service, which are two things that Congress actually does pretty efficiently. Think of all the post offices that aren't named. You can't think of one, can you?

Name it. You can't. It's not named.

Veto gates are purely procedural, which means they don't draw a lot of attention from the media. The easiest way for Congress to kill bills is to simply not vote on them or even schedule votes for them. This way they don't have to go on record as being for or against a bill, just whether they support having a vote. And constituents rarely check up on this sort of thing.

So I hope I managed to do a good job of both explaining how a bill becomes a law and why it's difficult for most bills to pass. And I hope I looked good doing it, as well.

This might be frustrating but it's strangely comforting to consider that Congress and the government as a whole were designed to make it difficult to get things done. A single super-powerful executive like a king can be very efficient, but also tyrannical. We don't like tyrannical around here.

The founders set up these structural hurdles of the bicameral Congress and the presidential role in legislation to reduce the likelihood that authoritarian laws would pass. Congress added procedural hurdles like committees and filibusters for the same reason. You can argue that Congress has become dysfunctional, but looking at the process of lawmaking, it's hard to argue that this isn't by design. So next time someone accuses you of being difficult, you just say 'I was behaving in a senatorial manner.'

Thanks for watching. I'll see you next episode

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Thanks for watching.