NOTE: This transcript was generated using an automated transcription service, and may contain typographical errors.

**Civics 101**

**Episode 31: HOW A BILL BECOMES LAW.mp3**

**Virginia Prescott:** [00:00:46] I'm Virginia Prescott and this is Civics 101. The podcast refresher course on some basics that you may have forgotten or slept through in school. We got a number of questions from you about how our democracy works and one that we keep seeing has us reminiscing.

[00:01:03] I'm just a bill yes I'm only a bill and I'm sitting here on Capitol Hill.

[00:01:10] Well it's a long long journey to the capitol city, it's a long long wait while I'm sitting in committee. But I know I'll be a law someday, least I hope and pray that I will but today I'm still just a billllll.

**Virginia Prescott:** [00:01:30] And joining us with an update to the Schoolhouse Rock episode of How a Bill Becomes a Law is Dave Alcox. He's social studies teacher at Milford High School and Applied Technology Center. He won the National Civic Education Teacher Award in 2013 and was New Hampshire teacher of the Year in 2006. OK David ready to go.

**Dave Alcox:** [00:01:49] I am.

**Virginia Prescott:** [00:01:50] Good. Let's start with a hypothetical bill. So we've agreed that designating a national sandwich is not going to produce any partisan rancor here.

**Dave Alcox:** [00:01:59] OK.

**Virginia Prescott:** [00:02:00] So let's walk through this process of a bill becoming law. How and where is a bill proposed.

**Dave Alcox:** [00:02:06] Well it would probably start off with a group in the United States that would want to kind of muster the support for a national sandwich. So you would get a special interest group that would put together an idea and say we would like to have, should we pick a BLT.

**Virginia Prescott:** [00:02:23] Why don't we pick the BLD, it's a good ole American sandwich, of course the vegetarian interest groups would not love that.

**Dave Alcox:** [00:02:28] No they wouldn't, and their interest groups would be against that. For the most part you would get together and you would approach a senator or representative at this point. If it was a House of Representatives for example they would introduce a piece of legislation they would bring it into the House of Representatives and put it in what we call the hopper and the hopper is where all the proposed bills would go in. The House would go through that and ultimately the speaker of the House or in most case the parliamentarian would assign it to a particular committee. The Senate has about 21 committees and the House has 20 committees and jointly there's about four committees. Within those committees. However there is also subcommittees. So when you are talking about you know well the bacon people you know there might be vegetarians so on, there may be one of the subcommittees might have to look at you know is it going to affect a particular group or not.

**Virginia Prescott:** [00:03:24] So let me stop you right there for a second. You said you can do this in the House or the Senate. Any member of the House or the Senate can propose a bill or sponsor a bill.

**Dave Alcox:** [00:03:32] Yes as long as it's not a money bill if it's a money bill, all money bills originate in the House of Representatives. You know historically the idea was it's a two year term for a House of Representative members. They're the ones that are going to be closest to the people in money was closest to the people and they were the only people directly elected by the people back in 1787, the Senate back then up until the 17th Amendment they were appointed by the state legislatures and the president obviously, the electoral college. And so you know money bills and all the rancor, people would argue happened in the House of Representatives and then. Yes. At that point in the Senate as well it would be given to a committee as well.

**Virginia Prescott:** [00:04:08] OK so they actually draft or write the bill inside of a committee and then do all bills get submitted in taken up for discussion.

**Dave Alcox:** [00:04:16] It's interesting because the committee work is where all the real important information happens and the committees are chaired by the majority of the party. So say currently Republicans would chair all 20 and 21 committees and then the minority party would be what we call the ranking member so the next person and they would be the ranking member. But the majority party is pretty smart about making sure there's more of their party members in every committee than than others. For example one committee might have 20 members but it might be an 11 to 9 breakdown.

**Virginia Prescott:** [00:04:52] So they, not only the person who heads that committee is going to be the majority party but did they name the members of that committee?

**Dave Alcox:** [00:05:00] Oh yeah, the House the House and the Senate, When you become a member you get put on a committee and when you assign committees and you're there in the majority party your committee head is going to be the majority member of your party and you're also going to have the majority of that party in that committee and that's going to help determine what bills will actually get to the floor.

**Virginia Prescott:** [00:05:21] Uh huh, there's the politics right there

**Dave Alcox:** [00:05:23] Politics right there is like bills can be killed in a committee just like that just because the head of the committee chooses not to let it out onto the general floor. And if it's not out onto the general floor you don't get the general vote on it.

**Virginia Prescott:** [00:05:37] So you've killed a bill effectively if you have not submitted it for a floor vote or floor discussion because the discussion come before the vote.

**Dave Alcox:** [00:05:44] Exactly. And the other way a bill can get killed is even if you do submit it to floor discussion and your bill might differ from say the Senate bill if the House bill is one bill and the Senate's another and you vote on it, and there are still you know some minor differences between those two bills, it has to go to a conference committee. And when it goes to that conference committee which is usually just a collection of ranking members from each side, if the people can't iron out the differences then the bill gets killed there too.

**Virginia Prescott:** [00:06:13] Ok so I'm going to stop you for one second because I thought a bill had to go through one chamber before it goes to another. You're saying that they can simultaneously.

**Dave Alcox:** [00:06:22] No no no. Say the BLT Bill. OK. We want to do a national sandwich. And the House has the BLT with mayonnaise as the national sandwich. In the Senate, the Senate wants the BLT as well. But they want mustard.

**Dave Alcox:** [00:06:39] So this would have to go to the conference committee and in the conference committee if they can't iron out the differences and say well you know how but if we put a thousand island sauce instead. If they can't iron out the difference between the mayonaise and or the mustard then the bill could also be killed there as well.

**Virginia Prescott:** [00:06:56] OK but that's further down the line. BLT with mayonnaise comes out of the committee gets discussed on the floor of Congress, let's say. And you have discussion.

**Virginia Prescott:** [00:07:07] Proposed amendments.

**Dave Alcox:** [00:07:08] OK. So somebody says actually it should be on wheat toast. But then is there any chance for the public to weigh in on this process and say you know I I prefer wonder bread or you know you should definitely put it on a low carb wrap.

**Dave Alcox:** [00:07:23] In the committees absolutely that's where you can have public discussion, people can get subpoenaed actually. You know one of the powers of Congress is the investigatory power where they can investigate. And so they could start looking into what would be the most ideal sandwich and they can call in people to testify in front of the committee or the subcommittee because it's a toasting issue. Say there's a subcommittee on the types of bread. Well let's get people to come into the subcommittee and testify that toasting is better than just regular bread. And then the subcommittee brings it back to the committee and says you know we would recommend that we think toasting seems to be the ideal one.

**Virginia Prescott:** [00:07:58] OK so and the vote in the House however is that a straight majority vote?

**Dave Alcox:** [00:08:02] Mm hm.

**Virginia Prescott:** [00:08:02] OK then it goes over to the Senate or if it began in the Senate goes over to the house, they discuss it, they propose their own amendments. Maybe they have some disagreements. They go to this conference committee. So that's a breaking point. OK. They have a discussion and then does it get voted on again before it goes to the president?

**Dave Alcox:** [00:08:22] Well yes if they ironed out the differences if it's a minor change say it's just like OK let's stay with mayonnaise. Then it could go back to the House and the Senate without any discussion. But if they do want to discuss if they feel it is a bigger change then both sides could also discuss on the floor as well. But usually like with a conference committee it's generally some minor changes because the ranking members from both sides they recognize that they're representing the Senate in the house and that they can speak for the Senate in the house. So ultimately they're like look if we can iron this out I know we can take these back to both houses and be fine.

**Virginia Prescott:** [00:08:57] OK so when does it go to the president.

**Dave Alcox:** [00:08:59] After both houses agree on the bill and it's germane, it's the same as the two you know both houses say.

**Virginia Prescott:** [00:09:05] Exact same exact same language, toasted, mayonnaise.

[00:09:07] BLT bacon lettuce and tomato vine ripened tomatoes, it goes all the way to the president. And at that point the president has three choices. He can approve the bill, sign the bill into law. He could also veto it and he could also do what he calls the pocket veto.

**Virginia Prescott:** [00:09:22] OK we actually have done a civics one on one episode on the veto. But quickly remind us of how Congress could override the president's veto. What if he says no. No toast. You know this has got to be plain squishy bread sends it back.

**Dave Alcox:** [00:09:35] Right. And then at that point it goes back to Congress the Congress can use a two thirds majority in both Houses to override the presidential veto. You know currently what the president is doing now too I think is what we call signing statements.

**Dave Alcox:** [00:09:48] And the president may pass something he may not be a fan of it. So because of that he may include what we call a signing statement where he says I'm passing this bill but I'm not going to enforce this provision or that provision.

**Virginia Prescott:** [00:09:59] We're talking about how a bill becomes a law. You know the old schoolhouse rock. Well Dave Alcox is really filling in for us here he teaches civics at a New Hampshire high school and is bringing us through that process that the founders tried to make. Kind of tough. So this is pretty involved and I remember from our episode on the veto that the language that the president signs has to be exactly the same as the bill as proposed like if one thing is changed it all has to go back through this process again and go through the houses correct.

**Dave Alcox:** [00:10:28] Exactly. But generally, if it's something minor, I mean if they want the bill bad enough they usually succumb, especially if it's a you know the president is the same political party as the House and the Senate. It's more like a formality at that point.

**Virginia Prescott:** [00:10:45] So how many bills actually get passed.

**Dave Alcox:** [00:10:49] It is a involved process. And you know you always hear the old adage It's like making sausages. You put everything in and you don't want to know what's in there and you just enjoy what comes out at the end. But generally depending on whose numbers you look at there's usually between 20 to 25000 bills that are proposed, generally about 3 percent, last recent years anywhere between 300 to 400 bills were actually approved. And you might hear people say well this Congress or that congress is a do nothing congress and so on. But one of the things you have to recognize is it's not the it's not the quantity of the bills it's the quality of the bills. Sure there is, there's many bills that are passed that are just renaming federal courthouses and post offices and so on. But there's also a lot of bills. I mean you could argue the Affordable Care Act was an incredibly huge bill. I know bills that are coming up this year to keep an eye on it. There is a defunding Planned Parenthood act of 217 bill coming up in Obamacare repeal act.

**Virginia Prescott:** [00:11:54] And this is where do you track these. Is there a sort of bipartisan source where we can follow which bills are proposed in Congress.

**Dave Alcox:** [00:12:00] Yeah govtrack is a really good Web site. I find it to be very neutral very bipartisan in the sense that it offers both sides. What I like about it is if you go to that site it'll give you a quick overview of the bill. It will tell you what the supporters the reason why they're supporting it. The people who are against it why they're against it. It also even gives like what's the chance this is going to pass or not. But it also tells you who's proposing the bill tells you who the other sponsors are because people you know you can have multiple sponsors. So it's a very good site for people because it's one of those areas that you don't think about, what's Congress actually looking at you know what's Congress doing now. So if you actually can jump on the site you can see all the different topics that are sort of what's on the horizon.

**Virginia Prescott:** [00:12:47] So you're teaching high school students about this process. Now we heard a little bit from the schoolhouse rock which you know the basic steps but there are obviously a lot of other things to it. What do you think Dave. We don't know about how a bill becomes a law.

**Dave Alcox:** [00:13:03] I think one of the misconceptions people have is when they hear politicians say I'm gonna go to Washington and I'm going to get things done just like that. Our government is based off of stability and order. And part of that stability is a gut wrenching longer process to pass bills. And I think the framers liked that idea. You know after 1791 there's only 17 amendments that have been added to the Constitution out of the 10000 or so that have been proposed. Why. Because we want to make sure it elevates to that level. But the same with bills we want to make sure the bill is going to do something for our country. But we also want to put the thought process in it and that's why the subcommittees and the committees that it goes through there really is a vetting process. And sure you know you always hear about the bill that you know we might have gotten wrong here or there but it's correctable and we have a system that allows us to when we try to make a bill and the intent might not have been there, what we wanted, we have opportunity to correct that. And ultimately when it does if it does finally get through the House or the Senate and the president does sign it the bill is given a name and number and it's sent out to the general public and yay us.

**Virginia Prescott:** [00:14:18] I got to say Dave if I had you as a civics teacher things might have turned out really differently for me.

**Dave Alcox:** [00:14:24] Well thank you it's an honor to be part of Civics 101 I believe the podcasts are essential especially in our state and all over our country where you see the decline of civics and I think that people who get opportunity to listen are only bettering themselves and ultimately that's what makes our society a better place is knowing the rules of the game.

**Virginia Prescott:** [00:14:44] Dave Alcox teaches social studies at Milford High School and Applied Technology Center here in New Hampshire. He received a New Hampshire teacher of the Year Award in 2006 and a national award for civics teaching in 2013. We have a link to more on the process of a bill becoming a law and also linked to govtrack which is what he recommended for watching bills go through the process.