

Civics 101 – How Government Works Part I: The Legislative Branch

With so much misinformation circulating across social, print and electronic media, we thought it was time to get back to the basic concepts of how the government works (or is supposed to).

As you know, the Founding Fathers designed a government based on the principles of separation of powers and checks and balances to prevent tyranny and protect individual rights. They established a republic with three branches of government: Legislative, Executive and Judicial, each with distinct powers and responsibilities, designed to restrain each other. They also created a system of federalism, dividing power between the federal and state governments.

The ability of each branch to respond to the actions of the other branches is the system of checks and balances. Each branch of government can change acts of the other branches:

- The President can veto legislation created by Congress. He or she also nominates heads of federal agencies and high court appointees.
- Congress confirms or rejects the President's nominees. It can also remove the President from office in exceptional circumstances.
- The Justices of the Supreme Court, nominated by the President and confirmed by the Senate, can overturn unconstitutional laws.

While this fact sheet is useful as a refresher on activities at the federal level, much of the information is also transferrable to your respective state governments. We'll begin with the Legislative Branch.¹

The United States Congress

Overview

- Congress consists of two chambers – the U.S. Senate and the U.S. House of Representatives.
- There are 100 Senate members (two from each of the 50 states).
- There are 435 members of the House with a varying number of members per state based on the state's population.

Eligibility to Serve

- A U.S. Representative must be:
 - 25 years of age;
 - A citizen of the United States for 7 years; and,
 - At the time of election, a resident in the district of the state to be represented.
- A U.S. Senator must be:
 - 30 years of age;
 - A citizen of the United States for 9 years; and,
 - At the time of election, a resident of the state to be represented.

Congressional Elections

- Members of the Senate are elected to six-year terms. One-third of the Senate seats (those that are expiring) and all 435 seats in the House of Representatives are open for election every two years.
- The next Congressional Election will be on Tuesday, November 4, 2026.

¹ National Association of Clinical Nurse Specialties, "How Government Works"

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Congress and Presidential Succession

The Presidential line of succession dictates the order in which officials assume the powers and duties of the President if they become unable to do so. The current order, established by the Presidential Succession Act of 1947, begins with the Vice President, followed by the Speaker of the House, then the President Pro Tempore of the Senate, and then Cabinet members in a specific order, beginning with the Secretary of State.²

Congressional Leadership

The Speaker of the House leads the House of Representatives, and the Vice President of the United States serves as the President of the Senate (but with limited voting power).

Each party in Congress has several leaders to direct their colleagues' activities. Party leaders play important roles that affect the success of the Members they seek to lead. Good leaders help Members accomplish their three main goals:

- Enacting good policy;
- Gaining power within the Congress; and
- Getting reelected.

They go public with policy positions designed to influence elections and persuade Independents to support their party. They help recruit candidates and raise money for vulnerable incumbents so they can keep their majority or reclaim it, if in the minority. Additionally, they serve as their colleagues' link to the President, the press, the public, and their party's volunteers and donors.

The Republicans call their internal organization the "Conference" while Democrats call their organization the "Caucus."

Following each election, both parties hold organizational meetings where their Members elect their own leadership, adopt internal rules for how their party will operate, and draft their version of the institutional rules.

Roles and Responsibilities

The Legislative Branch's primary roles include

- Drafting proposed laws;
- Confirming or rejecting presidential nominations for heads of federal agencies, federal judges and the Supreme Court;
- Oversight of the Executive Branch; and,
- The authority to declare war.

Under the Constitution, the two chambers of Congress are equal. Neither can promulgate laws without the other. Although they are equal, the Constitution does give exclusive powers to each chamber.

- The U.S. Senate
 - Nominees chosen by the President to serve as judges, ambassadors, cabinet officers and senior executives must be confirmed by the Senate.
 - Treaties negotiated with foreign nations must be ratified by the Senate.
 - The House of Representatives has no formal role in either of the above processes.
 - Draft and pass federal laws.
 - Conduct impeachment trials.
 - Constituent service.

² Key Points about Presidential Succession, <https://www.google.com/search?q=presidential+succession>

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- The U.S. House of Representatives
 - Draft and pass federal laws.
 - Impeach federal officials.
 - The Constitution gives the House the authority to originate all revenue (tax) bills and, through historical precedent, this authority has been extended to all appropriations (spending) bills as well.
 - Although these money bills must begin in the House, the Senate has full opportunity to debate and modify the legislation sent to it by the House and, as with all bills both chambers must pass a bill before it can be sent to the President.
 - Constituent service.

The Committee System

Congress relies heavily on committees to conduct research and specialized work in various areas.³

From the earliest days, differences on legislation between the House and Senate have been committed to conference committees to work out a settlement. The most usual case is that in which a bill passes one Chamber with amendments unacceptable to the other. In such a case, the Chamber that disagrees to the amendments generally asks for a conference, and the Speaker of the House and the Presiding Officer of the Senate appoint the “managers,” as the conferees are called. Generally, they are selected from the committee or committees having charge of the bill. After attempting to resolve the points in disagreement, the conference committee issues a report to each Chamber. If the report is accepted by both Chambers, the bill is then enrolled and sent to the President. If the report is rejected by either Chamber, the matter in disagreement comes up for disposition anew as if there had been no conference. Unless all differences between the two Houses are resolved, the bill fails.

Until 1975, it was customary for conference committees to meet in executive sessions closed to the public. In that year, both chambers adopted rules to require open conference meetings. Two years later, the House strengthened its open conference rule. Today, most conference committee sessions are open to public observation, with only a few exceptions for national security, or for other reasons.

To view the list of committees of the current U.S. Congress, as well as commissions that interact with them, visit <https://www.congress.gov/committees>

Federal Legislation

It's easy to get confused by “Congress speak,” so we'll try to explain some of the legislative terminology. We're going to focus on budget and spending terminology, since that is the most current topic of discussion.

- An **appropriations bill** provides the legal authority needed to spend or obligate U.S. Treasury funds.
 - Twelve annual appropriations bills fund the entire federal government.
 - The bills are supposed to be enacted prior to the start of a new fiscal year, designated as October 1. Failure to meet the deadline results in the need for temporary short-term funding or governmental agencies and offices will shut down.
 - Transportation infrastructure, including roads, bridges and public transportation, is one example of the type of funding in an appropriations bill.
- An **authorization bill** provides the authority for a program or agency to exist and determines its policy and structure. It also recommends spending levels to carry out a defined policy, but these levels are not binding.
 - Authorizations may be annual, multi-year or permanent. Expiring programs require reauthorizations.
 - Senate and House rules require that authorization be in place before final funding decisions are made, although this rule frequently is waived or disregarded.

³ <https://savvycitizen.substack.com/p/80-civics-101-the-legislative-branch>

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- The Affordable Care Act is an example of an authorization bill.
- **Discretionary funding** refers to spending set by annual appropriation levels made by Congressional decisions. Funding for defense, education, infrastructure and transportation are examples of programs and Initiatives that are not mandatory; instead, Congress must allocate funds annually through appropriations bills.
- **Mandatory spending** accounts for two-thirds of the federal budget. These funds are not controlled by an annual decision of Congress but are automatically obligated by virtue of previously enacted laws. Funding for Medicare, Medicaid, Social Security and Food Stamps is mandatory spending.
- **Continuing Resolution (“CR”)**
A Continuing Resolution is a short-term or long-term temporary funding bill that funds the federal government after September 30 until a permanent appropriations measure is passed and signed into law.
- **Reconciliation Bill**
A Reconciliation Bill makes changes to laws required to meet preset spending and revenue levels. A Reconciliation Bill may be considered when permitted by a budget resolution passed by the House and Senate. The House Budget Committee packages the bills produced by the substantive committees of jurisdiction into one omnibus bill.
- **Omnibus Bill**
An Omnibus Bill is a large bill that combines many different aspects of a particular subject. In the last few years, Congress has passed an Omnibus Appropriations Bill to fund the entire government.
- **Rescission**
Under the Impoundment Control Act (ICA), the Administration may transmit a request to Congress to rescind previously appropriate funds through a rescissions package. Such a package only requires a simple majority vote in the Senate to be enacted.

Transmittal of a package triggers a 45-day clock, during which funds in accounts included in the rescissions package are withheld from obligation pending Congressional action.
- **Codification**
Codification aims to create a comprehensive and accessible legal framework, making it easier for people to understand the rules of a specific area of law. The process typically involves compiling, organizing and restating existing laws into a structured code.

For example, the Trump Administration has assembled a package that totals \$9.4 billion in wasteful or unnecessary spending identified by DOGE. If passed by Congress, this package will codify DOGE cuts which include \$8.3 billion in wasteful foreign aid spending and a \$1.1 billion rescission of federal funding for the Corporation for Public Broadcasting (CPB), which provides funds to NPR and PBS.

How a Bill becomes a Law

Now that we’ve completed our Legislative Branch overview and a glossary of budget and spending terminology, learn how a bill becomes a law by visiting our website at www.operationwildfire.org.