

Article I, Section 7, clause 1 of the U.S. Constitution is known generally as the Origination Clause because it requires:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

As generally understood, this clause carries two kinds of prohibitions. First, the Senate may not originate any measure that includes a provision for raising revenue, and second, the Senate may not propose any amendment that would raise revenue to a non-revenue measure. However, the Senate may generally amend a House-originated revenue measure as it sees fit.

The House's primary method for enforcement of the Origination Clause is through a process known as "blue-slipping."¹ Blue-slipping is the term applied to the act of returning to the Senate a measure that the House has determined violates its prerogatives as defined by the Origination Clause. The House takes this action by adopting a resolution stating that a Senate bill [or Senate amendment(s) to a non-revenue House bill] "in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill [or such bill with the Senate amendment(s) thereto] be respectfully returned to the Senate with a message communicating this resolution." This process is called blue-slipping because historically the resolution returning the offending bill to the Senate is printed on blue paper. This process is provided for under House rule IX, clause 2(a)(1), which states:

A resolution reported as a question of the privileges of the House, or offered from the floor by the Majority Leader or the Minority Leader as a question of the privileges of the House, or *offered as privileged under clause 1, section 7, article 1 of the Constitution* [emphasis added], shall have precedence of all other questions except motions to adjourn.

Any Member of the House may offer such a resolution, but normally it is the Chairman of the Ways and Means Committee who would do so, although another member of the committee may be designated. Consideration of the resolution takes place in the House of Representatives under the one-hour rule. Clause 2(a)(2) of House rule IX further provides:

The time allotted for debate on a resolution offered from the floor as a question of the privileges of the House shall be equally divided between (A) the proponent of the resolution, and (B) the Majority Leader, the Minority Leader, or a designee, as determined by the Speaker.

Because enforcement of the Origination Clause in the House is based on a constitutional privilege of the House, it is not subject to restrictions based on timeliness as points of order based on House rules would be. The House can assert its privilege at any time it is in possession of the bill and related papers (that is, anytime the actual documents are not physically in the possession of the Senate or a conference committee). The House is not limited to enforcing its prerogative through blue-slipping a measure upon its initial receipt from the Senate or during its consideration on the House floor.

Historically, the House has used a variety of methods to enforce the Origination Clause. On a number of occasions the House has chosen to ignore a Senate passed bill, and instead taken action on a corresponding House bill. The House may also refer a questionable Senate measure to a committee. In such instances, a committee may choose simply to report a House bill, rather than consider the Senate bill further. The House may also decide to use a conference committee as a venue for deciding Origination Clause questions. It may do so by having the subject committed to conference, or it may determine that an offending provision can be removed in conference without having to take the formal step of blue-slipping. Such an accommodation would not prevent the House from enforcing its prerogatives through blue-slipping after a conference if the offending provision remained in the measure.

¹ The term "blue-slipping" is also sometimes used in an unrelated sense by the Senate in connection with the nomination of federal judges.

The Constitution does not provide specific guidelines as to what constitutes a bill for raising revenue. What constitutes "a bill for raising revenue" is therefore a question of interpretation. The precedents and practices of the House apply a broad standard and construe the House's prerogatives broadly to include any "meaningful revenue proposal." This standard is based on whether the measure in question has revenue affecting potential, and not simply whether it would directly raise or lower revenues. Examples of legislation for which this standard would be applicable would include not only legislation to make changes in the tax code directly, but also legislation involving any fees not intended as payment for a specific government service, as well as any change in import restrictions because of their potential impact on tariff revenues.

For additional information on the Origination Clause, see *The Origination Clause of the U.S. Constitution: Interpretation and Enforcement*, by James V. Saturno at <http://apps.crs.gov/products/r/pdf/RL31399.pdf>.

Powers of Congress – Article I, §8

Section 8 of clause 18 contains many grants of powers to Congress. Some are specific, such as the power to collect taxes, establish post offices or declare war. Some are extremely broad, such as the power to "provide for the common Defence and general Welfare of the United States," "to regulate Commerce with foreign Nations, and among the several States" and "to make all Laws which shall be necessary and proper for carrying into Execution" the other powers given by the Constitution to the legislative branch and the rest of the Federal government.

Note that clause 3(d) of House rule XIII requires committee reports on bills and joint resolutions to include a reference to the specific constitutional provision granting Congress the power to pass the reported legislation. If you read committee reports, you will frequently see references to constitutional provisions in Article I, §8.

Appropriations Power – Article I, §9, clause 7:

No money shall be drawn from the Treasury but in Consequence of Appropriations made by Law.

Terms of Representatives –Amendment XX, §1:

[T]he terms of Senators and Representatives [shall end] at noon on the 3d day of January.

Assembling of Congress – Amendment XX, §2:

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

For relevant House precedents and broader, more in-depth discussion regarding the constitutional provisions above, and others, see the annotated Constitution printed in the front of the House Rules and Manual or CRS' "United States Constitution: Analysis and Interpretation (Constitution Annotated)" at: <http://www.crs.gov/analysis/Pages/constitutionannotated.aspx>.

Rule-Making Statute

House Practice, Chapter 50, §1 says of rule-making statutes:

In some cases, Congress has enacted statutes setting forth rules and procedures to be followed when the House considers certain kinds of legislation, for example, the Congressional Budget and Impoundment Control Act of 1974. Such statutes are enacted as an exercise of the rule-making power of Congress, are reincorporated by reference in the preface of the resolution adopting the rules of each House, and are carried in the House Rules and Manual, Manual Sec. 1127-1130; Deschler Ch 5 Sec. 3.