

**U.S. Senate Republican Policy Committee**  
**Larry E. Craig, Chairman    Jade West, Staff Director**

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## **The Senate, the Constitution, and Spending Bills**

*[Editor's Note: On May 24 on the floor of the U.S. Senate, Senator James Inhofe (R-OK) made an important point about Senate prerogatives with regard to the annual appropriations bills. What follows is his (slightly edited) floor statement.]*

On Wednesday, May 17, the distinguished Senate minority leader announced, "I am going to demand that every single appropriations bill that comes to the Senate before it can be completed be passed in the House first because that is regular order." He repeated, "We are going to require the regular order when it comes to appropriations bills." The Senator refers to the origination clause of our Constitution [Art. 1, Sec. 7, Cl. 1.] The origination clause states, "All bills for raising revenue shall originate in the House of Representatives." The meaning of this clause is widely known, and I do not know why the distinguished minority leader would attempt to make an erroneous claim before those who know better.

When I open Riddick's Senate Procedure [p. 153], I read, "In 1935, the Chair ruled that there is no Constitutional limitation upon the Senate to initiate an appropriation bill." The House does claim "the exclusive right to originate all general appropriations bills." Specific appropriations, however, "have frequently originated in the Senate." If the Senator intends to say that there is no precedent for the initiation of appropriation bills in the Senate, that is false.

Perhaps there is some confusion between "raising revenue" and "appropriating". The former the Senate cannot do. The latter it can.

The courts agree with these constitutional interpretations. In fact, as recently as 1989, the Court of Appeals for the Tenth District in *U.S. v. King*, 891 F.2d 780, 781 ruled that where a bill does not qualify as a revenue bill, it is not subject to the provisions of the origination clause. The United States Supreme Court, in *Twin City Nat. Bank of New Brighton v. Nebecker*, 167 U.S. 196, 202. ruled in an 1897 decision, which is cited as precedent to this day, that "revenue bills are those that levy taxes, in the strict sense of the word, and are not bills for other purposes which may incidentally create revenue." On another occasion, the Supreme Court, in *U.S. v. Norton*, 91 U.S. 566, 569 (1875) said that "[t]he construction of the [origination clause] limitation is practically well settled by the uniform action

of Congress” and that “it ‘has been confined to bills to levy taxes in the strict sense of the word, and has not been understood to extend to bills for other purposes which incidentally create revenue.’ ”

It was not the intent of our Founding Fathers not to allow the Senate to decide how to spend government monies. Obviously, we must do that. Almost every action we take requires some money to be spent. What the Founding Fathers wanted to achieve with the origination clause was a check on government by which the most representative body had to authorize the extraction from the people of taxes.

The only obstacle I know of to the Senate passing certain appropriation bills is the objection of the distinguished minority leader. He claims, “This is getting to be more and more a second House of Representatives.” Who is making it so, I ask.

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