

Whereas the United States of America is neutral in such war;

Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, acting under and by virtue of the authority vested in me by the foregoing provision of section 11 of the joint resolution approved November 4, 1939, do by this proclamation find that special restrictions placed on the use of the ports and territorial waters of the United States, exclusive of the Canal Zone, by the submarines of a foreign belligerent state, both commercial submarines and submarines which are ships of war, will serve to maintain peace between the United States and foreign states, to protect the commercial interests of the United States and

its citizens, and to promote the security of the United States;

And I do further declare and proclaim that it shall hereafter be unlawful for any submarine of [specified nations] to enter ports or territorial waters of the United States. . . .

Done at the city of Washington this fourth day of November in the year of our Lord nineteen hundred and thirty-nine, and of the Independence of the United States of America the one hundred and sixty-fourth.

FRANKLIN D. ROOSEVELT.

By the President:

Cordell Hull,
Secretary of State.

C. HOUSE PREROGATIVE TO ORIGINATE REVENUE BILLS

§ 13. In General

The precedents in sections 15–18, *infra*, relate to the constitutional prerogative of the House to originate bills to raise revenue.⁽⁴⁾ Article I, section 7, clause 1, provides that, “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.”⁽⁵⁾

4. See 2 Hinds’ Precedents §§ 1480–1501; 6 Cannon’s Precedents §§ 314–322; and 8 Cannon’s Precedents § 2278, for earlier precedents.
5. See *House Rules and Manual* § 99 (1973).

Because questions relating to the prerogative of the House to originate revenue legislation⁽⁶⁾ involve interpretation of the Constitution⁽⁷⁾ rather than House

See also Constitution of the United States of America: Analysis and Interpretation, S. Doc. No. 92–82, 92d Cong. 2d Sess. 125, 126 (1973), for discussion of this provision. And see §§ 19, 20, *infra*, for a discussion of Senate authority to amend revenue bills and make appropriations.

6. For one view on what is comprehended by the phrase “bills for raising revenue,” see J. Story, *Commentaries on the Constitution of the United States* § 880, vol. 1, Boston (1833).
7. See, for example, the discussion and cases cited in § 19.2, *infra*.

rules, they are decided by the House rather than the Chair.⁽⁸⁾ A question alleging that the Senate has invaded this prerogative is privileged⁽⁹⁾ under Rule IX,⁽¹⁰⁾ and may be raised at any time when the House is in possession of the bill and related papers in question.⁽¹¹⁾ The question may be raised pending the motion to call up a conference report on a bill⁽¹²⁾ and may be committed to conference if raised prior to conference.⁽¹³⁾

A Senate bill or joint resolution⁽¹⁴⁾ which the House determines infringes upon its prerogatives may be returned to the Senate. When such a measure is received by, or is in possession of the House, a Member may rise to a question of privilege and introduce a resolution. Such resolution normally declares that in the

8. 2 Hinds' Precedents §1490. See also §19.1, *infra*, for an analogous Senate precedent.
9. §14.1, *infra*.
10. *House Rules and Manual* §§661, 662 (1973).
11. §14.2, *infra*.
12. *Id.*
13. 2 Hinds' Precedents §1487.
14. There is precedent for the proposition that a Senate concurrent resolution may also be held to infringe upon the prerogative of the House, notwithstanding the fact that such a resolution does not have the force of law. 6 Cannon's Precedents §319.

opinion of the House the Senate measure contravenes or infringes upon the House prerogative and directs that the measure be returned to the Senate with a message communicating the resolution. After debate the resolution may be approved,⁽¹⁵⁾ tabled,⁽¹⁶⁾ or referred to committee.⁽¹⁷⁾

On several occasions, the House has chosen to pass a House bill instead of a pending Senate measure where the attention of the House was called to the impropriety of a revenue measure being included in a Senate bill.⁽¹⁸⁾

When a Senate bill or joint resolution which arguably infringes upon the House prerogative has been referred to committee, the committee may refuse to act on it and may report out its own bill in lieu of the Senate measure.⁽¹⁹⁾

The latter two procedures, vacating proceedings whereby the Senate measure had passed the House and massaging a similar House bill to the Senate, and reporting a House bill out of com-

15. See §15, *infra*, for illustrations of approval.
16. See §16.1, *infra*, for a discussion of tabling such a resolution.
17. See §17.1, *infra*, for an illustration of referral to committee.
18. See §§18.1–18.3, *infra* which illustrate this procedure.
19. See §§18.4, 18.5, *infra*, which illustrate this procedure.

mittee, effectively resolve issues relating to the prerogative of the House, because courts do not look behind the bill number. Notwithstanding the fact that a House revenue measure may have been substantially changed by Senate amendments, a bill with a House number will not be challenged in court or on the House floor on the ground that it infringes upon the prerogative of the House to originate bills for raising revenue.⁽²⁰⁾ But the House will assert its prerogative and return a House bill (not raising revenue) with a Senate revenue amendment to the Senate.⁽²¹⁾

§ 14. Consideration of Objections

Infringement of House Prerogative as Privileged Matter

§ 14.1 Infringement by the Senate on the constitutional prerogative of the House to initiate revenue measures may be raised in the House as a matter of privilege.

On May 3, 1971,⁽¹⁾ infringement by the Senate of the constitutional

^{20.} See *Hubbard v Lowe*, 226 F 135 (S.D.N.Y. 1915) which is discussed at §§ 19.2, 20.4, *infra*.

^{21.} See § 15.8, *infra*.

1. 117 CONG. REC. 12991, 92d Cong. 1st Sess.

prerogative of the House to initiate revenue measures (art. I, § 7) was raised in the House as a matter of privilege.

MR. [WILBUR D.] MILLS [of Arkansas]: Mr. Speaker, I offer a resolution (H. Res. 414) which involves the privileges of the House, and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 414

Resolved, That the bill of the Senate (S. 860) relating to the Trust Territory of the Pacific Islands 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 the said bill be respectfully returned to the Senate with a message communicating this resolution.

THE SPEAKER:⁽²⁾ The Chair recognizes the gentleman from Arkansas (Mr. Mills).

MR. [H.R.] GROSS [of Iowa]: Mr. Speaker, will the gentleman yield?

MR. MILLS: I will be glad to yield to the gentleman from Iowa.

MR. GROSS: Mr. Speaker, may we have a brief explanation of the reason for the action that is proposed?

MR. MILLS: Mr. Speaker, I will be glad to explain why I have offered this resolution. It is because the privileges of the House are actually being violated by title IV of the bill S. 860. That title includes an amendment of the Tariff Schedules of the United States,

^{2.} Carl Albert (Okla.).