

B. House Consideration

§ 3. Committee Jurisdiction

Under Rule X clause 1,⁽¹⁾ jurisdiction in the House of Representatives over joint resolutions proposing amendments to the Constitution is vested in the Committee on the Judiciary. That jurisdiction was established by the amendments to the standing rules of the House made by the Legislative Reorganization Act of 1946.⁽²⁾ Before the revisions to House committee jurisdiction made by that law, other committees had exercised jurisdiction over joint resolutions proposing amendments to the Constitution,⁽³⁾ and the House on occasion had changed the referral of such a resolution from another committee to the Committee on the Judiciary.⁽⁴⁾

1. *House Rules and Manual* § 729 (2007).
2. 60 Stat. 812, 818, ch. 753, Aug. 2, 1946.
3. See § 3.1, *infra*. See also 4 Hinds' Precedents § 4247 (former Committee on Labor reported a resolution in 1884 proposing an amendment to the Constitution limiting the hours of labor).
4. In 1900, and again in 1932, the House, by unanimous consent, re-referred a joint resolution proposing an amendment to the Constitution addressing taxation from the Com-

In recent practice, jurisdiction in the House over joint resolutions proposing amendments to the Constitution has been vested solely in the Committee on the Judiciary.⁽⁵⁾ That committee also has jurisdiction over memorials from States either requesting the calling of a constitutional convention or for the rescinding of such a request.⁽⁶⁾

§ 3.1 Proposed amendment regarding elections and terms of office referred to former Committee on Election of the President, Vice President, and Representatives in Congress.

On Mar. 29, 1933,⁽¹⁾ the Speaker referred to the Committee on

mittee on Ways and Means to the Committee on the Judiciary. See 4 Hinds' Precedents § 4056; 7 Cannon's Precedents § 1780.

5. See § 3.2, *infra*.
6. See examples in footnote 1 of § 1, *supra*.
1. H. Jour. p. 122 (1933). The Legislative Reorganization Act of 1946 abolished the Committee on Election of the President, Vice President, and Representatives in Congress and vested the jurisdiction of that committee in the new Committee on House Administration. 60 Stat. 812, 818, ch. 753, Aug. 2, 1946.

Election of the President, Vice President, and Representatives in Congress a joint resolution proposing an amendment to the Constitution relating to the election of the President and Vice President. That committee reported the joint resolution to the House with an amendment on June 13, 1933.⁽²⁾

§ 3.2 In recent practice, all joint resolutions proposing amendments to the Constitution have been referred to the Committee on the Judiciary.

The Legislative Reorganization Act of 1946 reduced the number of standing committees of the House from 48 to 19 and consolidated and further delineated their jurisdiction. In so doing, the House made express the jurisdiction of the Committee on the Judiciary over the subject matter of constitutional amendments.

Before 1946, Rule XI [now Rule X] read, in relevant part, as follows:

POWERS AND DUTIES OF COMMITTEES.

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz, subjects relating . . .

4. To judicial proceedings, civil and criminal law—to the Committee on the Judiciary.⁽¹⁾

2. H.J. Res. 136 of the 73d Congress. See H. Jour. p. 421 (1933).

1. *House Rules and Manual* §§ 675, 680 (1945).

In the *House Rules and Manual* (1945), the annotations to that rule included the following: “The committee [on the Judiciary] also has general but not exclusive jurisdiction over joint resolutions proposing amendments to the Constitution.”⁽²⁾ Thus it was that most but not all joint resolutions proposing amendments to the Constitution were referred to the Committee on the Judiciary.

Section 121(b) of the Legislative Reorganization Act of 1946⁽³⁾ amended Rule XI [now Rule X] to read, in relevant part, as follows:

POWERS AND DUTIES OF COMMITTEES

(1) All proposed legislation, messages, petitions, memorials, and other matters relating to the subjects listed under the standing committees named below shall be referred to such committees, respectively . . .

(l) Committee on the Judiciary.

1. Judicial Proceedings, civil and criminal, generally.

2. Constitutional amendments.

3. Federal courts and judges.

Parliamentarian’s Note: The practice since the enactment of the Legislative Reorganization Act of 1946 has been to recognize sole jurisdiction in the Committee on the Judiciary over matters relating to amendments to the Constitution, regardless of the subject matter of a proposed amendment.

2. *Id.* at § 680. See also 4 Hinds’ Precedents § 4056.

3. 60 Stat. 812, 818, ch. 753 (Aug. 2, 1946).