

**ment of the District of Columbia the Public Employment Service for the District of Columbia.”**

On Mar. 28, 1957,<sup>(14)</sup> Graham A. Barden, of North Carolina, Chairman of the Committee on Education and Labor, obtained unanimous consent to have H.R. 5021 and accompanying Executive Communication No. 431 from the Assistant Secretary of Labor, rereferred from his committee to the Committee on the District of Columbia.

#### ***District of Columbia Militia***

**§ 35.9 The Committee on the District of Columbia, and not the Committee on Armed Services, has jurisdiction of a bill amending the District of Columbia Code to provide that the jurisdiction of courts-martial of the District of Columbia militia shall extend to militia members not in active federal service.**

On May 4, 1972,<sup>(15)</sup> by direction of Chairman F. Edward Hébert, of Louisiana, of the Committee on Armed Services, Mr. G. V. (Sonny) Montgomery, of Mississippi, ob-

14. 103 CONG. REC. 4664, 85th Cong. 1st Sess.

15. 118 CONG. REC. 15778, 92d Cong. 2d Sess.

tained unanimous consent to have H.R. 9807 rereferred from that committee to the Committee on the District of Columbia.

### **§ 36. Committee on Education and Labor**

The first Committee on Education and Labor was created in 1867,<sup>(16)</sup> divided into separate committees in 1883,<sup>(17)</sup> and recombined into its present form in 1947, on the effective date [Jan. 2, 1947], of the Legislative Reorganization Act of 1946.

The jurisdiction of the Committee on Education and Labor pursuant to the 1973 rules<sup>(18)</sup> read as follows:

- (a) Measures relating to education or labor generally.
- (b) Child labor.
- (c) Columbia Institution for the Deaf, Dumb, and Blind; Howard University; Freedmen's Hospital; and Saint Elizabeths Hospital.
- (d) Convict labor and the entry of goods made by convicts into interstate commerce.
- (e) Labor standards.
- (f) Labor statistics.

16. 4 Hinds' Precedents § 4242.

17. 4 Hinds' Precedents §§ 4242, 4244.

18. Rule XI clause 6, *House Rules and Manual* § 687 (1973). See Rule X clause 1(g), *House Rules and Manual* § 676 (1979).

(g) Mediation and arbitration of labor disputes.

(h) Regulation or prevention of importation of foreign laborers under contract.

(i) School-lunch program.

(j) United States Employees' Compensation Commission.

(k) Vocational rehabilitation.

(l) Wages and hours of labor.

(m) Welfare of miners.

The committee maintained eight subcommittees in 1973:

(1) The General Subcommittee on Education;

(2) The Select Subcommittee on Education;

(3) The Special Subcommittee on Education;

(4) The Subcommittee on Equal Opportunities;

(5) The Subcommittee on Agricultural Labor;

(6) The General Subcommittee on Labor;

(7) The Select Subcommittee on Labor; and

(8) The Special Subcommittee on Labor.

As the precedents reveal, the jurisdiction of the committee and of its predecessors has extended to such subjects as benefits and rights under the Federal Employees' Compensation Act;<sup>(19)</sup> amendments to that statute;<sup>(20)</sup> disability and/or death benefits for Civilian Conservation Corps en-

19. See §§ 36.3–36.9, *infra*.

20. See §§ 36.3–36.9, *infra*

rollees;<sup>(21)</sup> Forest Service employees;<sup>(22)</sup> and employees of U.S. contractors;<sup>(23)</sup> matters pertaining to the Longshoremen's and Harbor Workers' Compensation Act;<sup>(24)</sup> loan and grant making for the expansion of state public school facilities;<sup>(25)</sup> establishing mineral resource conservation institutes;<sup>(26)</sup> and assisting states and localities in programs dealing with human services;<sup>(27)</sup> juvenile delinquency;<sup>(1)</sup> and runaway youth.<sup>(2)</sup>

Under the Committee Reform Amendments of 1974, effective Jan. 3, 1975,<sup>(3)</sup> the Committee on Education and Labor gained jurisdiction over food programs for children in schools (although the committee already had *de facto* jurisdiction over that subject), work incentive programs, and Indian education, and the committee lost jurisdiction over international education matters, a subject transferred to the jurisdiction of the Committee on Foreign Affairs.

21. § 36.4, *infra*.

22. § 36.6, *infra*.

23. § 36.5, *infra*.

24. § 36.15, *infra*.

25. § 36.1, *infra*.

26. § 36.16, *infra*.

27. § 36.11, *infra*.

1. § 36.12, *infra*.

2. § 36.13, *infra*.

3. H. Res. 988, 120 CONG. REC. 34447–70, 93d Cong. 2d Sess., Oct. 8, 1974.

The Committee Reform Amendments also granted the Committee on Education and Labor special oversight jurisdiction over certain programs [see Rule X clause 3(c), *House Rules and Manual* §693 (1979)]:

(c) The Committee on Education and Labor shall have the function of reviewing, studying, and coordinating, on a continuing basis, all laws, programs, and Government activities dealing with or involving domestic educational programs and institutions and programs of student assistance, which are within the jurisdiction of other committees.

### *Educational Assistance Programs*

**§ 36.1 The Committee on Education and Labor and not the Committee on Banking and Currency has jurisdiction of a bill to authorize the making of grants and loans to the states to assist in providing adequate public elementary and secondary school facilities.**

On Jan. 25, 1949,<sup>(4)</sup> Brent Spence, of Kentucky, Chairman of the Committee on Banking and Currency, obtained unanimous consent to have his committee dis-

4. 95 CONG. REC. 533, 81st Cong. 1st Sess.

charged from further consideration of H.R. 1551, and to have it rereferred to the Committee on Education and Labor. In so doing, Mr. Spence had noted that two similar bills, one in the previous session and the other in the current session, had been referred to the latter committee.

**§ 36.2 A message received from the President was rereferred from the Committee on Interstate and Foreign Commerce to the Committee on Education and Labor, after examination by the Speaker, where the first portion of the message called for increased appropriations with respect to ongoing programs of the National Science Foundation, and the second portion called for legislation authorizing new educational programs.**

On Jan. 27, 1958,<sup>(5)</sup> Speaker Sam Rayburn, of Texas, laid before the House a message (H. Doc. No. 318), from President Dwight D. Eisenhower, which was read, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed. The message consisted of two parts. The first segment called for a

5. 104 CONG. REC. 1073, 85th Cong. 2d Sess.

“fivefold increase in appropriations”<sup>(6)</sup> for scientific education activities of the National Science Foundation including, among other things, the expansion of four ongoing programs of the Foundation. The second segment called for legislation authorizing new programs<sup>(7)</sup> in the Department of Health, Education, and Welfare to reduce the waste of talent, strengthen the teaching of science and mathematics, increase the supply of college teachers, improve foreign language teaching, and strengthen the Office of Education.

Later in the day the Speaker made the following announcement:<sup>(8)</sup>

After further examination of the President’s message and the recommendations made therein, the Chair believes that the proper committee to which to refer the President’s message is the Committee on Education and Labor instead of the Committee on Interstate and Foreign Commerce, because on the Science Foundation no new law is suggested, simply more appropriations. The other part of the President’s message deals with education. Therefore the Chair is going to change the reference of the President’s message and whatever bills are introduced on that subject, to the Committee on Education and Labor.

6. *Id.* at p. 1073.

7. *Id.* at p. 1074.

8. *Id.* at p. 1112.

***Federal Employee Disability or Death Benefits; Matters Relating to Federal Employees Compensation Act***

**§ 36.3 The Committee on Education and Labor, and not the Committee on the Judiciary has jurisdiction of bills to amend the U.S. Employees’ Compensation Act of Sept. 7, 1916.**

On Jan. 19, 1948,<sup>(9)</sup> Earl C. Michener, of Michigan, Chairman of the Committee on the Judiciary, stated that a bill (H.R. 3239), to amend section 4 of the United States Employees’ Compensation Act, approved Sept. 7, 1916,<sup>(10)</sup> had been “inadvertently referred to the Committee on the Judiciary.” After noting that he had conferred with the Chairman of the Committee on Education and Labor, Fred A. Hartley, of New Jersey, the Member who introduced the measure, Mr. Kenneth B. Keating, of New York, and other interested parties, Mr. Michener sought and obtained

9. 94 CONG. REC. 304, 80th Cong. 2d Sess.

10. The Committee on Education and Labor has jurisdiction generally over compensation for work injuries to federal employees. The primary legislation governing this area, the Federal Employees’ Compensation Act, appears at 5 USC §§8101 et seq.

unanimous consent to have his committee discharged from further consideration of the bill and to have it rereferred to the Committee on Education and Labor.

The next day, Jan. 20, 1948,<sup>(11)</sup> Mr. Michener similarly requested unanimous consent that the Committee on the Judiciary be discharged from further consideration of certain bills (H.R. 790, H.R. 970, H.R. 1872, H.R. 2047, H.R. 2048, H.R. 3480, H.R. 3673, and H.R. 3927) amending or otherwise affecting the United States Employees' Compensation Act of Sept. 7, 1916, and that the bills be rereferred to the Committee on Education and Labor. In so doing, he noted:

I may state that I have consulted with the Parliamentarian and am advised that these bills have been wrongly referred because the jurisdiction of the committees has been changed under the Reorganization Act. I have conferred with the author of each of the bills and also with the chairman of the Committee on Education and Labor, and there is no objection.

The bills in question, were described, as follows:

H.R. 790, a bill to amend the act of September 7, 1916, by providing for a hearing of claims of employees of the United States before the United States Employees' Compensation Commission.

11. 94 CONG. REC. 369, 80th Cong. 2d Sess.

H.R. 970, a bill to increase the compensation for total disability granted employees of the United States under the United States Employees' Compensation Act of September 7, 1916.

H.R. 1872, a bill to amend the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended.

H.R. 2047, a bill to amend the act of September 7, 1916, providing compensation for injuries to employees of the United States.

H.R. 2048, a bill to amend the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended.

H.R. 3480, a bill to amend the United States Employees' Compensation Act of September 7, 1916, so as to increase the maximum and minimum monthly compensation. . . .

H.R. 3673, a bill to extend the benefits of the United States Employees' Compensation Act of September 7, 1916, to active-duty members of the Civil Air Patrol, and for other purposes.

H.R. 3927, a bill to amend the act of September 7, 1916, to authorize certain expenditures from the employees' compensation fund, and for other purposes.

The rereferrals were then effected by unanimous consent.<sup>(12)</sup>

12. For a similar rereferral in a later Congress, see 95 CONG. REC. 1043, 81st Cong. 1st Sess., Feb. 9, 1949.

**§ 36.4 The Committee on Education and Labor and not the Committee on the Judiciary has jurisdiction of a bill providing that the monthly compensation of totally disabled former Civilian Conservation Corps enrollees shall continue so long as they remain totally disabled.**

On Mar. 15, 1948,<sup>(13)</sup> Earl C. Michener, of Michigan, Chairman of the Committee on the Judiciary, obtained unanimous consent to have that committee discharged from further consideration of several measures including H.R. 1431 and to have them rereferred to the Committee on Education and Labor. In so doing, he had noted:

. . . Under the Reorganization Act the Committee on Education and Labor is specifically given jurisdiction over these bills.

I have conferred with the chairman of the Committee on Education and Labor, all the authors of the bill have been contacted, and there is no objection.

**§ 36.5 The Committee on Education and Labor, and not the Committee on the Judiciary has jurisdiction of a bill to amend the act of Dec. 2, 1942, entitled "An act to provide benefits for the injury,**

13. 94 CONG. REC. 2846, 80th Cong. 2d Sess.

**disability, death, or enemy detention of employees of contractors with the United States and for other purposes," to clarify the eligibility for benefits of certain employees detained by the enemy in the Philippines Islands.**

On Jan. 20, 1948,<sup>(14)</sup> Mr. Earl C. Michener, of Michigan, obtained unanimous consent to have the Committee on the Judiciary discharged from further consideration of H.R. 3596 among others, and to have it rereferred to the Committee on Education and Labor. In so doing, he had noted:

I may state that I have consulted with the Parliamentarian and am advised that these bills have been wrongly referred because the jurisdiction of the committees has been changed under the Reorganization Act. I have conferred with the author of each of the bills and also with the chairman of the Committee on Education and Labor, and there is no objection.

**§ 36.6 The Committee on Education and Labor, and not the Committee on Post Office and Civil Service has jurisdiction of a bill to provide a lump sum death payment to beneficiaries of Forest Service employees killed while combating forest fires.**

14. 94 CONG. REC. 369, 80th Cong. 2d Sess.

On May 5, 1950,<sup>(15)</sup> Thomas J. Murray, of Tennessee, Chairman of the Committee on Post Office and Civil Service, obtained unanimous consent to have his committee discharged from further consideration of H.R. 8162 and to have it rereferred to the Committee on Education and Labor.

**§ 36.7 The Committee on Education and Labor, and not the Committee on Post Office and Civil Service, has jurisdiction of proposals to amend the Federal Employees' Compensation Act Amendments of 1960.**

On Aug. 18, 1961,<sup>(16)</sup> Thomas J. Murray, of Tennessee, Chairman of the Committee on Post Office and Civil Service, obtained unanimous consent that an executive communication (Exec. Comm. No. 1214), the subject of which is specified above, be rereferred from his committee to the Committee on Education and Labor.

**§ 36.8 The Committee on Education and Labor and not the Committee on Post Office and Civil Service has jurisdiction of a bill to permit employees of the Canal Zone**

15. 96 CONG. REC. 6548, 81st Cong. 2d Sess.

16. 107 CONG. REC. 16271, 87th Cong. 1st Sess.

**Government and the Panama Canal Company to appeal decisions under the Federal Employees' Compensation Act to the Employees' Compensation Appeals Board.**

On Sept. 24, 1951,<sup>(17)</sup> Thomas J. Murray, of Tennessee, Chairman of the Committee on Post Office and Civil Service, obtained unanimous consent to have his committee discharged from further consideration of S. 1271 and to have it rereferred to the Committee on Education and Labor.<sup>(18)</sup>

**§ 36.9 The Committee on Education and Labor and not the Committee on Post Office and Civil Service has jurisdiction of a bill to amend the Federal Employees' Compensation Act with respect to the computation of disability payments in the case of certain seamen and other persons.**

On May 19, 1952,<sup>(19)</sup> Thomas J. Murray, of Tennessee, Chairman of the Committee on Post Office and Civil Service, obtained unani-

17. 97 CONG. REC. 11991, 82d Cong. 1st Sess.

18. S. 1271 was reported by the Committee on Education and Labor on July 1, 1952 (H. Rept. No. 2425).

19. 98 CONG. REC. 5443, 82d Cong. 2d Sess.

mous consent to have his committee discharged from further consideration of H.R. 7621 and to have it rereferred to the Committee on Education and Labor.

### *Fair Employment Practices*

**§ 36.10 Bills providing for a Fair Employment Practices Commission through amendment of the Civil Rights Act of 1964, which, itself, was referred to and reported from the Committee on the Judiciary, were referred to the Committee on Education and Labor.**

On June 10, 1965,<sup>(20)</sup> Mr. James Roosevelt, of California, and Mr. Ogden R. Reid, of New York, each introduced a bill (H.R. 8998, H.R. 8999, respectively), the subject matter of which is specified above. Both bills were referred to the Committee on Education and Labor.

### *Human Services Programs*

**§ 36.11 Under the rules in effect in the 92d Congress, the Committee on Education and Labor, and not the Committee on Ways and Means, had jurisdiction of proposals to assist states and localities**

20. 111 CONG. REC. 13296, 89th Cong. 1st Sess.

**to coordinate human services programs administered by the Department of Health, Education, and Welfare.**

On June 21, 1972,<sup>(21)</sup> Wilbur D. Mills, of Arkansas, Chairman of the Committee on Ways and Means, obtained unanimous consent to have House Document No. 92-296, and Executive Communication No. 2006, rereferred from his committee to the Committee on Education and Labor where both communications contained the type of proposals specified above.

*Parliamentarian's Note:* Programs for human services administered by the Department of Health, Education, and Welfare came within the jurisdictions of several committees of the House, including Ways and Means, Education and Labor, and Interstate and Foreign Commerce. The proposals had originally been referred to the Committee on Ways and Means because several of the services involved social security benefits.

### *Juvenile Delinquents and Runaways*

**§ 36.12 The Committee on Education and Labor, and not**

21. 118 CONG. REC. 21733, 92d Cong. 2d Sess.

**the Committee on the Judiciary, has jurisdiction of a bill to assist state and local government programs for the control of juvenile delinquency.**

On Jan. 22, 1959,<sup>(1)</sup> Emanuel Celler, of New York, Chairman of the Committee on the Judiciary, obtained unanimous consent to have his committee discharged from further consideration of H.R. 772 and to have it rereferred to the Committee on Education and Labor.

**§ 36.13 The Committee on Education and Labor, and not the Committee on the Judiciary, has jurisdiction of bills to strengthen interstate reporting and interstate services for parents of runaway children, to conduct research on the size of the runaway youth population, and for temporary housing and counseling services for transient youth.**

On July 12, 1973,<sup>(2)</sup> Peter W. Rodino, Jr., of New Jersey, Chairman of the Committee on the Judiciary, obtained unanimous consent to have S. 645 rereferred

1. 105 CONG. REC. 1027, 86th Cong. 1st Sess.
2. 119 CONG. REC. 23633, 93d Cong. 1st Sess.

from his committee to the Committee on Education and Labor.

On Sept. 10, 1973,<sup>(3)</sup> Mr. Rodino again obtained unanimous consent to have similar bills (H.R. 1807, H.R. 2316, H.R. 3274), also rereferred to the Committee on Education and Labor.

*Parliamentarian's Note:* In the latter instance, the three bills had been originally referred to the Committee on the Judiciary due to the inclusion of title I authorizing Law Enforcement Assistance Administration grants to law enforcement agencies to fund reporting services.

***Labor Disputes in Defense Industries***

**§ 36.14 The House granted unanimous consent that a bill to diminish the cause of labor disputes in defense industries be referred from the Committee on the Judiciary to the Committee on Education and Labor.**

On Nov. 19, 1941,<sup>(4)</sup> Speaker pro tempore Harry R. Sheppard, of California, recognized Mr. Howard W. Smith, of Virginia, who proceeded to make the following remarks:

Mr. Speaker, I desire to submit a unanimous-consent request.

3. 119 CONG. REC. 28970, 93d Cong. 1st Sess.
4. 87 CONG. REC. 9017, 77th Cong. 1st Sess.

I would like the attention of the gentleman from Texas [Mr. Sumners], chairman of the Committee on the Judiciary, and the gentleman from Michigan [Mr. Michener]. On yesterday I introduced H.R. 6066, having for its title to diminish the cause of labor disputes in defense industries. That bill was referred to the Committee on the Judiciary. After consultation with the chairman of the Committee on Labor, I find that it is the purpose of that committee to give consideration to that type of legislation during the next week. The committee feels that it cannot give consideration to that bill because the bill is not before the Labor Committee.

I therefore ask unanimous consent, Mr. Speaker, that the Committee on the Judiciary be discharged from further consideration of the bill H.R. 6066, and that it be rereferred to the Committee on Labor.

At this juncture, Mr. Earl C. Michener, of Michigan, reserving the right to object, noted that "the Judiciary Committee does not want to waive any of its parliamentary rights." He added, however, that in light of the presence of the chairman of that committee, and "inasmuch as this bill is as stated by its author, a labor bill entirely," he would not object.

Immediately thereafter, the Chair recognized Hatton W. Sumners, of Texas, Chairman of the Committee on the Judiciary, and the following exchange ensued:

Mr. Speaker, reserving the right to object, I am not familiar with the pro-

visions of the bill, but I have no objection, with the understanding that the waiver does not create any precedent.

Mr. SMITH of Virginia: I understand it does not waive any rights. It is done under these special circumstances, because that committee is going to consider that sort of legislation very intensively.

Shortly thereafter, the House granted unanimous consent to the rereferral.

### *Longshoremen's and Harbor Workers' Compensation Act*

**§ 36.15 The Committee on Education and Labor and not the Committee on the Judiciary has jurisdiction of bills to increase certain benefits payable under the Longshoremen's and Harbor Workers' Compensation Act or otherwise amending that act.**

On Mar. 15, 1948,<sup>(5)</sup> Earl C. Michener, of Michigan, Chairman of the Committee on the Judiciary, obtained unanimous consent to have that committee discharged from consideration of several measures including those described above (H.R. 5653, H.R. 5739, H.R. 1871, and H.R. 2719), and to have them rereferred to the Committee on Education and Labor. In so doing, he had noted:

. . . Under the Reorganization Act the Committee on Education and

5. 94 CONG. REC. 2846, 80th Cong. 2d Sess.

Labor is specifically given jurisdiction over these bills.

I have conferred with the chairman of the Committee on Education and Labor, all the authors of the bills have been contacted, and there is no objection.

***Mineral Resources Conservation Institutes***

**§ 36.16 The Committee on Education and Labor, whose legislative domain under the rules includes “education generally” and the “welfare of miners,” has jurisdiction of a proposal to amend the Higher Education Act of 1965 to establish mineral resources conservation institutes, although the Committee on Interior and Insular Affairs under the rules has jurisdiction of “mining schools” and “mining interests generally.”**

On Nov. 4, 1971,<sup>(6)</sup> the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 7248), to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education. In the course of the bill's consideration, the Committee on Education and Labor offered an

6. 117 CONG. REC. 39248, 92d Cong. 1st Sess.

amendment in the nature of a substitute<sup>(7)</sup> which eventually prompted a jurisdictional point of order pursuant to a special rule permitting jurisdictional points of order against portions of that substitute.

The controversy arose over title XI, pertaining to the improvement of mineral conservation education. Of particular pertinence were the following provisions in that title:<sup>(8)</sup>

TITLE XI—IMPROVEMENT OF  
MINERAL CONSERVATION EDUCATION

Sec. 1101. The Higher Education Act of 1965 adding after title XII the following new title:

“TITLE XIII—IMPROVEMENT OF  
MINERAL CONSERVATION EDUCATION

“Sec. 1301. The Congress, in recognition of the profound impact of mineral exploration and development on the health and safety of persons working in the mineral industries and . . . in recognition of the fact that the prosperity and future welfare of the Nation is dependent, in large measure, on the sound exploration, extraction, processing, and development of its unrenovable mineral resources, declares that it is the purpose of this title to assist in assuring the Nation, at all times, of an adequate supply of mineral engineers and scientists (a) for the mineral industries engaged in research, investigations, experiments, demonstrations, exploration, extrac-

7. *Id.* at p. 39263.

8. *Id.* at pp. 39263, 39264.

tion, processing, developing, and production of such resources in a matter consistent with the need to protect and enhance the quality of the total environment, and (b) for the public agencies concerned with such mineral activities, with the health and safety of persons employed in such industries, and with the protection and enhancement of the total environment.

"Sec. 1302. (a) The Commissioner is authorized to make, in accordance with the provisions of this title, grants each fiscal year, for establishing and carrying out the work of a competent and qualified mineral resources conservation institute, center, or equivalent agency (hereinafter referred to as an 'institute'), to such institutions of higher education as he may select, not to exceed ten in the Nation, and selected so as to serve the needs of a region, which shall be an institution of higher education established in accordance with sections 1 through 5, 7, and 8, of the act of July 2, 1862, as amended (7 U.S.C. 30-305, 307, and 308), or some other institution of higher education designated by the Governor of the State with which the institution is located. Institutions of higher education selected under this subsection are encouraged to cooperate with other such institutions in participating in the work of the institute. . . .

"Sec. 1303. (a) There are authorized to be appropriated to the Commissioner for fiscal year 1972 and for each of the succeeding fiscal years ending prior to July 1, 1976, not to exceed \$5,000,000 annually. Such sums shall remain available until expended for grants to institutes designated under this title where there is an application approved under this title to match, on

a dollar-for-dollar basis, funds made available to such institutes by State or other non-Federal sources to pay the costs of conducting specific mineral research and demonstration projects of industry-wide application relating (1) to the conservation, exploration, extraction, processing, development, or production of mineral resources, including but not limited to, the recycling and reuse of such resources and the products and wastes thereof, and (2) to the protection or enhancement of health and safety of persons employed in the minerals industries and of the environment in connection with mineral operations. The Commissioner shall provide for an equitable distribution of the sums appropriated among institutes for which an application is approved under section 1302 of this title. . . .

"Sec. 1304. There are authorized to be appropriated to the Commissioner \$10,000,000 for the fiscal year 1972, and increasing \$2,000,000, annually for four years, from which he may, in consultation with the Secretary of the Interior make grants or contracts with any educational institution to undertake mineral research and demonstration projects consistent with the purposes and applicable provisions of this table."

In the ensuing debate, Chairman pro tempore Edward P. Bolland, of Massachusetts, recognized Mr. Edmond Edmondson, of Oklahoma, a member of the Committee on Interior and Insular Affairs, who raised the following point of order:

Mr. Chairman, pursuant to House Resolution 661,<sup>(9)</sup> I make a point of

9. H. Res. 661, agreed to on Oct. 27, 1971 [117 CONG. REC. 37769, 92d

order against title XI of H.R. 7248 on the ground that the subject matter of title XI is within the jurisdiction of the Committee on Interior and Insular Affairs.

Under rule XI, clause 10, of the Rules of the House of Representatives,<sup>(10)</sup> the Committee on Interior and Insular Affairs has jurisdiction over mining interests generally and over mining schools and experimental stations specifically.

Title XI of the bill authorizes grants to establish 10 mineral resources conservation institutes. The purpose of these institutes is to train mineral engineers and scientists, and to conduct research and experiments of either a basic or practical nature. These institutes clearly are mining schools and mining experimental stations within the meaning of the rules of the House.

---

Cong. 1st Sess.], prescribed the special rule by which H.R. 7248 was to be considered, and provided, among other things [*Id.* at p. 37765], that "all titles, parts, or sections of the [amendment in the nature of a] substitute, the subject matter of which is properly within the jurisdiction of any other standing committee of the House of Representatives, shall be subject to a point of order for such reason if such point of order is properly raised during the consideration of H.R. 7248."

10. Under this clause [See Rule XI clause 10, *House Rules and Manual* § 702 (1973)] the Committee on Interior and Insular Affairs was accorded jurisdiction over "mining interests generally [clause 10(k)]" and "mining schools and experimental stations [clause 10(l)]," among other subjects.

Title XI of the bill also authorizes matching grants to these 10 new institutes for the purpose of conducting specific mineral research and demonstration projects of industrywide application. These are activities historically carried on by mining school and experiment stations. These activities also relate to mining interests generally. Both subjects are assigned to the Committee on Interior and Insular Affairs.

Title XI of the bill further authorizes grants to any educational institution to undertake mineral research and demonstration projects. Such projects can reasonably be expected to be carried out through the mining school or the mining department of the grantee. Moreover, the purpose of the research and demonstration projects is to promote the interests of the mining community generally.

Finally, a separate bill, S. 635, which also authorizes grants to establish mineral resources institutes, has been referred to the Committee on Interior and Insular Affairs, and is now pending before our committee. S. 635 and title XI of H.R. 7248 deal with the same subject matter. Both provide for mining schools, or institutes, which will engage in mining and mineral research, demonstrations, and experiments. Both will train engineers, scientists, and technicians in the minerals field. S. 635 was properly referred to the Committee on Interior and Insular Affairs. Title XI of H.R. 7248 deals with exactly the same subject, and it also is within the jurisdiction of the Interior Committee. I make a point of order against the retention of title XI in the bill.

Responding to the point of order, Mr. John H. Dent, of Pennsylvania, noted:

Mr. Chairman, at the outset I might say this particular section in the act embodies the contents of H.R. 3942, a bill introduced by myself and the gentlewoman from Oregon (Mrs. Green) as the initial and original proposal to create these mineral research schools. . . . It was introduced on February 3, 1971, and it was sent to the Committee on Education and Labor—and properly so, we thought, and so think at this moment.

Mr. Chairman, the gentleman from Colorado (Mr. Aspinall) and the gentleman from Oklahoma (Mr. Edmondson) contend that title XI of the bill is subject matter not properly within the jurisdiction of the Committee on Education and Labor, but rather within that of the Committee on Interior and Insular Affairs. This is not the case.

The subject matter of title XI is higher education, as is the subject matter of all of H.R. 7248. The subject matter of other referred—to legislation under consideration by the Committee on Interior and Insular Affairs is mineral research.

The thrust and purpose of title XI, as stated in section 1301 of the bill, is to assure the Nation an adequate supply of mineral engineers and scientists. The section also contains a congressional declaration to that effect.

The essence of all of title XI is to support the education of such personnel, and the colleges and universities that train them. It is not, in any way, an intrusion into the clear prerogative of the Committee on Interior and Insular Affairs in matters of “mining interests generally,” as prescribed by rule XI—Powers and Duties of Com-

mittees—of the rules of the House. Rather—and rule XI is not silent on this point—it falls within the jurisdiction of the Committee on Education and Labor pursuant to its responsibility for “measures relating to education—generally.”

Mr. Dent further elaborated on his position by differentiating title XI from a “minerals research” bill (H.R. 10950), which he knew to be of interest to the Committee on Interior and Insular Affairs:<sup>(11)</sup>

Title XI is in most respects complementary to, rather than in conflict with, the bill on which the chairman of the Interior and Insular Affairs Committee intends to hold hearings—H.R. 10950. Whereas the emphasis of the Interior Committee bill is on research, investigation, advancement of knowledge, and establishment of development programs, the stated purpose of title XI is “to assist in assuring the Nation, at all times, of an adequate supply of mineral engineers and scientists.” To achieve this purpose the title gives a high priority, for example, to the development and support of appropriate 4-year undergraduate curriculums by encouraging the employment of “adequate and competent faculty personnel,” by recommending funds for equipment to be “used primarily for the education and training of individuals,” and by making provision for scholarship funds. In support of more advanced education it provides for fellowships and postdoctoral fellowships. Title XI also provides sums for

11. 117 CONG. REC. 39264, 39265, 92d Cong. 1st Sess.

the conduct of specific mineral research and demonstration projects of industrywide application.

. . . [O]ur Nation's position in the mineral resources area is deteriorating dangerously. It is not so much the result of exhaustion of the country's mineral resources as it is of our not developing the needed technology for efficient processing and utilization of the resources we have. Of paramount importance at the present time is a strong governmental program directed at developing the human resources involved—that is, personnel trained in the fields of mineral sciences and technology—and a simultaneous program to develop the knowledge needed for the useful development of our solid, liquid, and gaseous mineral resources.

Title XI will provide an important beginning in support of the tremendous need for appropriate education in this critical area. In this respect it will effectively complement the Interior Committee bill which appropriately places emphasis on research and development.

Referring again to the original source of title XI, Mr. Dent continued:

H.R. 4392 proposed a new title XIII—Improvement of Mineral Conservation Education—to the Higher Education Act of 1965. It was referred to the Committee on Education and Labor; and it was included as title XI in the bill now before us, with none other than a few minor technical changes. At that time, the decision was made that the bill was properly within the jurisdiction of the Committee on Education and Labor. Since the ques-

tion before the Chair does not involve language other than that contained in my original bill, I do not see on what basis the point of order can be sustained.

Completing his rebuttal with a brief discussion of jurisdictional conflicts, in general, he noted:

Moreover, it is apparent that the jurisdiction of some broad subject matters—such as mining—is often divided among committees. With respect to mining, it is obvious that “mining interests generally” are within the province of the Committee on Interior and Insular Affairs. Yet, insofar as health and safety legislation for miners generally, that is within the jurisdiction of the Committee on Education and Labor.

The bill before us contains a similar example. Title X—Improvement of Graduate Programs—provides grants, for instance, to medical schools. There is no challenge that this provision invades the jurisdiction of any other committee. Yet, the subject matter is medicine. With regard to the broad field of medicine: the Committee on Interstate and Foreign Commerce is responsible for the Public Health Service Act—including the Hill-Burton Act—and the Federal Food, Drug, and Cosmetic Act; the Committee on Ways and Means is responsible for medicare, which certainly relates to medicine; the House recently approved the Veterans' Medical Care Act of 1971, reported by the Committee on Veterans' Affairs; the Committee on Armed Services is considering legislation to provide medical schools for the armed services and the Committee on Foreign Affairs is

considering legislation to create an international health agency. I could go on and on, but I expect I have made my point.

In the face of this, I respectfully suggest that the point of order is not valid; that title XI of H.R. 7248 is quite properly within the jurisdiction of the Committee on Education and Labor; and that the point of order should not be sustained.

At this juncture, the Chair announced that he was prepared to rule and stated his decision, as follows:

The gentleman from Oklahoma (Mr. Edmondson) has raised a point of order against title XI, beginning on page 202, line 9 through page 210, line 15, on the grounds that the subject matter of this title is within the jurisdiction of the Committee on Interior and Insular Affairs and not the Committee on Education and Labor.

The Chair has listened to the arguments presented and has examined the provisions of title XI, as well as the provisions of the rule, House Resolution 661, which made consideration of this bill in order. The rule provides that any title, part, or section of the committee amendment in the nature of a substitute shall be subject to a point of order if the subject matter thereof is properly within the jurisdiction of another committee.

Title XI would provide that the Commissioner of Education may make grants for the establishment of not to exceed 10 "mineral resources conservation institutes" within existing institutions of higher education which he selects. Appropriations are authorized to

enable such institutes to conduct educational training programs, not only in the areas of mineral resources exploration, extraction, processing, development, and conservation, but also in the areas of protection and enhancement of health and safety of persons employed in the minerals industries.

To be sure, the Committee on Interior and Insular Affairs has jurisdiction, under clauses 10 (k) and (l) of rule XI, over measures relating to "mining schools" and "mining interests." It should also be noted, however, that the Committee on Education and Labor,<sup>(12)</sup> under clauses 6(a) and 6(m) of rule XI, has jurisdiction over measures relating to "education generally"—thus including institutions of higher education—and over "welfare of miners," which would include the health and safety of miners.

Where, as here, the jurisdiction of committees of the House is essentially and basically involved, the Chair must refer for guidance to the introduction and reference by the Speaker under rule XI of bills touching on similar subject matter. The Chair notes that on February 3, 1971, the Speaker referred H.R. 3492 to the Committee on Education and Labor. That bill, as does title XI of the committee substitute, proposes an amendment to the Higher Education Act of 1965 and seeks to establish precisely the type of mineral resources conservation institutes within existing institutions of higher education sought to be established by title XI.

The Chair holds that title XI in the form in which proposed by the Com-

12. See Rule XI clause 6, *House Rules and Manual* §687 (1973).

mittee on Education and Labor is properly within the jurisdiction of that committee, and, therefore, overrules the point of order.

***Safety Standards for Federal Recreational Campsites***

**§ 36.17 A proposition authorizing the establishment of safety standards for federal recreational campsites on federal property in national parks, reclamation projects, national forests, and Corps of Engineers sites was held to be outside the jurisdiction of the Committee on Education and Labor.**

On Nov. 4, 1971,<sup>(13)</sup> the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 7248), to amend and extend the Higher Education Act of 1965 and other acts dealing with higher education. In the course of the bill's consideration pursuant to a special rule permitting jurisdictional points of order, a jurisdictional question arose over part of a proposed committee amendment to title XIX of the bill.

The relevant provisions pertained to the establishment of safety standards for federal recreational campsites. Of particular

<sup>13.</sup> 117 CONG. REC. 39248, 92d Cong. 1st Sess.

pertinence was the following section:<sup>(14)</sup>

FEDERAL RECREATIONAL CAMPS

Sec. 1914. (a) The Secretary [of Health, Education, and Welfare] shall develop safety standards to govern the operation of Federal recreational camps. The Secretary shall cooperate with Federal officers and agencies operating Federal recreational camps to assure that such camps are operated in compliance with the Secretary's standards. The Secretary may make the services of personnel of the Department of Health, Education, and Welfare available, without reimbursement, to other Federal agencies to assist them in carrying out this section.

(b) For purposes of this section, a Federal recreational camp is a camp or campground which is located on Federal property and is operated by, or under contract with, a Federal agency to provide opportunities for recreational camping to the public.

With respect to this section, Mr. John P. Saylor, of Pennsylvania, raised the following point of order:

Mr. Chairman,<sup>(15)</sup> pursuant to House Resolution 661,<sup>(16)</sup> I make a point of

<sup>14.</sup> 117 CONG. REC. 39292, 92d Cong. 1st Sess.

<sup>15.</sup> Edward P. Boland (Mass.).

<sup>16.</sup> H. Res. 661, agreed to on Oct. 27, 1971 [117 CONG. REC. 37769, 92d Cong. 1st Sess.], prescribed the special rule by which H.R. 7248 was to be considered, and provided, among other things [*id.* at p. 37765], that "all titles, parts, or sections of the [amendment in the nature of a] sub-

order against section 1914 of H.R. 7248 on the ground that the subject matter of the section is within the jurisdiction of the Committee on Interior and Insular Affairs.

Section 1914 permits the Secretary of Health, Education, and Welfare to develop safety standards that will govern the operation of Federal recreational camps, which are defined as camps on Federal property that provide recreational camping for the public. This definition includes campgrounds open to the public in: First, national parks; second, forest reserves created from the public domain; third, irrigation and reclamation projects; and fourth, public lands generally, which are usually called public domain. More Federal recreational camps are located on the foregoing categories of land than on any other Federal land.

Jurisdiction over legislation governing the use of the foregoing categories of Federal land is specifically assigned to the Committee on Interior and Insular Affairs by rule XI, clause 10, of the rules of the House.<sup>(17)</sup>

stitute, the subject matter of which is properly within the jurisdiction of any other standing committee of the House of Representatives, shall be subject to a point of order for such reason if such point of order is properly raised during the consideration of H.R. 7248."

17. This clause, in pertinent part [see rule XI clause 10, *House Rules and Manual* §702 (1973)] listed the following subjects as being within the jurisdiction of the Committee on Interior and Insular Affairs: "(a) Forest reserves and national parks created

Shortly thereafter, Mr. Edmond Edmondson, of Oklahoma, added:

Mr. Chairman, on behalf of the majority, and the chairman of the House Committee on Interior and Insular Affairs, I want to support the point of order made by the gentleman from Pennsylvania (Mr. Saylor). It is a point of order that the entire committee supports.

Mr. Dominick V. Daniels, of New Jersey, rose in opposition to the point of order, noting that:<sup>(18)</sup>

The essential question is whether section 1914 is, in the words of the rule, and I quote:

Properly within the jurisdiction of any other standing Committee of the House of Representatives.

The Education and Labor Committee clearly has jurisdiction over the general question of setting safety standards in youth camps. This is plain from the regular practice of referring bills dealing only with this subject matter to that committee, such as H.R. 17131 and H.R. 17307 in the 90th Congress; H.R. 763 in the 91st Congress; and H.R. 1264 and H.R. 11227 in the 92d Congress.

from the public domain. . . . (e) Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects, and acquisition of private lands when necessary to complete irrigation projects. . . . (o) Public lands generally, including entry, easements, and grazing thereon."

18. 117 CONG. REC. 39292, 39293, 92d Cong. 1st Sess.

It is, of course, true that the Committee on Interior and Insular Affairs has jurisdiction over public lands, and the question raised by the point of order is how to reconcile the geographical jurisdiction of the Interior Committee over national parks with the functional jurisdiction of the Education and Labor Committee over child safety conditions.

It seems clear to me that the two jurisdictions are not mutually exclusive and that certain matters may be appropriately considered one way or the other.

The Education and Labor Committee had before it a bill dealing with the subject of youth camp safety in general whose provisions should also be applicable to youth camps in Federal parks. Under those circumstances, the subject matter was properly before the Education and Labor Committee without in any way infringing on the Interior Committee's jurisdiction over national parks.

Also speaking in opposition to the point of order, Mr. Peter A. Peyser, of New York, stated:

Mr. Chairman, without having the parliamentary procedure or the background on how the Chair is going to reach its final decision, I believe that one thing that should be considered here is that the area of the Federal lands that are involved in the national parks and other areas that are used by camping associations and travel camps are specific areas that should be included in this particular act, and under this program. We gave instances that we can speak of, and will show of fatalities that have occurred on Federal

lands where improper or no safety regulations that should have been enforced were enforced. Where we are to position now, or certainly are on our lands that are controlled by this Government, to incorporate this in one bill and leave this most important section as part of our Camp Safety Act.

Announcing that he was ready to rule, the Chair explained his decision to sustain the point of order as follows:

The gentleman from Pennsylvania (Mr. Saylor) has raised a point of order against section 1914 of the pending measure on the ground that it is not properly within the jurisdiction of the Committee on Education and Labor.

The section in question authorizes the Secretary of Health, Education, and Welfare to develop safety standards to govern the operation of Federal recreational camps.

As the Chair understands the section, it pertains to camps and campgrounds on Federal property—in national park reclamation projects, national forests, at facilities operated by the Corps of Engineers in connection with public works.

The Chair does not feel that his reading of rule XI discloses any clause which would place legislation with respect to safety standards at such campsites within the jurisdiction of the Committee on Education and Labor.

The Chair feels that if a bill embodying the provisions of section 1914 were introduced as a separate piece of legislation, it would be referred to a committee other than the Committee on Education and Labor.

The Chair, therefore, sustains the point of order and the language is

stricken from the committee amendment.

### § 37. Committee on Foreign Affairs

The Committee on Foreign Affairs has been a standing committee of the House since 1822.<sup>(19)</sup> Its jurisdiction pursuant to the 1973 rules<sup>(1)</sup> read as follows:

- (a) Relations of the United States with foreign nations generally.
- (b) Acquisition of land and buildings for embassies and legations in foreign countries.
- (c) Establishment of boundary lines between the United States and foreign nations.
- (d) Foreign loans.
- (e) International conferences and congresses.
- (f) Intervention abroad and declarations of war.
- (g) Measures relating to the diplomatic service.

**19.** 4 Hinds' Precedents §4162. The name of the committee was changed to the Committee on International Relations in the 94th Congress [H. Res. 163, 121 CONG. REC. 7343, 7344, 94th Cong. 1st Sess., Mar. 19, 1975], but was changed back to the Committee on Foreign Affairs in the 96th Congress [H. Res. 89, 125 CONG. REC. —, 96th Cong. 1st Sess., Feb. 5, 1979].

**1.** Rule XI clause 7, *House Rules and Manual* §689 (1973). See Rule X clause 1(h), *House Rules and Manual* §677 (1979).

(h) Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.

(i) Neutrality.

(j) Protection of American citizens abroad and expatriation.

(k) The American National Red Cross.

(l) United Nations Organization and international financial and monetary organizations.

The rules<sup>(2)</sup> also provide:

No bill for the payment or adjudication of any private claim against the Government shall be referred, except by unanimous consent, to any other than the following committees, namely: To the Committee on Foreign Affairs or to the Committee on the Judiciary.

The 1973 subcommittee structure for the Committee on Foreign Affairs consisted of four subject matter subcommittees, five regional subcommittees, and one special subcommittee, as follows:

#### SUBJECT MATTER SUBCOMMITTEES

- (1) Foreign Economic Policy;
- (2) International Organizations and Movements;
- (3) National Security Policy and Scientific Development; and
- (4) State Department Organization and Foreign Operations.

#### REGIONAL SUBCOMMITTEES

- (1) Africa;
- (2) Asian and Pacific Affairs;

**2.** Rule XXI clause 4, *House Rules and Manual* §845 (1979).