

the administration which was introduced June 8, 1955, and referred to the Committee on Interstate and Foreign Commerce.

The House granted the request.

§ 43. Committee on the Judiciary

The Committee on the Judiciary has been a standing committee of the House since 1813, when it was concerned exclusively with matters pertaining to judicial proceedings. The breadth of its jurisdiction grew considerably in the 20th century. In 1947,⁽¹⁾ the committee annexed most of the jurisdiction of the former Committees on Claims, Immigration and Naturalization, Patents, Revision of the Laws, and War Claims.

The jurisdiction of the Committee on the Judiciary pursuant to the 1973 rules read as follows:⁽²⁾

- (a) Judicial proceedings, civil and criminal generally.
- (b) Apportionment of Representatives.

ed"; 101 CONG. REC. 7932, 84th Cong. 1st Sess., June 8, 1955.

1. This change in jurisdiction was the result of the Legislative Reorganization Act of 1946, 60 Stat. 812.
2. Rule XI clause 13, *House Rules and Manual* §707 (1973). See Rule X clause 1(m), *House Rules and Manual* § 682 (1979).

(c) Bankruptcy, mutiny, espionage, and counterfeiting.

(d) Civil liberties.

(e) Constitutional amendments.

(f) Federal courts and judges.

(g) Holidays and celebrations.

(h) Immigration and naturalization.

(i) Interstate compacts generally.

(j) Local courts in the Territories and possessions.

(k) Measures relating to claims against the United States.

(l) Meetings of Congress, attendance of Members and their acceptance of incompatible offices.

(m) National penitentiaries.

(n) Patent Office.

(o) Patents, copyrights, and trademarks.

(p) Presidential succession.

(q) Protection of trade and commerce against unlawful restraints and monopolies.

(r) Revision and codification of the Statutes of the United States.

(s) State and Territorial boundary lines.

There were seven subcommittees in 1973, and the jurisdiction of each was specified in the committee's own Rule VIII:

Rule VIII. Jurisdiction of Subcommittees.—The jurisdiction of the seven standing Subcommittees shall, subject to alteration as other Subcommittees are created, be as follows:

SUBCOMMITTEE ON INTERNATIONAL LAW AND CITIZENSHIP

(a) Immigration and naturalization.

(b) Deportation, extradition, and crimes committed outside the United States.

- (c) Passports, travel, and international compacts and organizations.
- (d) Admiralty matters.
- (e) Amnesty.
- (f) Internal security matters, espionage, and mutiny.
- (g) Treaties.
- (h) Offshore mineral rights.
- (i) Other related matters.

SUBCOMMITTEE ON COURTS AND THE ADMINISTRATION OF JUSTICE

- (a) Oversight of the Department of Justice, except as otherwise assigned by these rules.
- (b) Oversight of United States Attorneys and United States Marshals.
- (c) Administrative Conference and administrative procedure matters.
- (d) Judicial ethics and recompense.
- (e) The courts—their non-criminal rules; non-criminal procedures; operation; number.
- (f) Jury matters.
- (g) Other related matters.

SUBCOMMITTEE ON CLAIMS AND GOVERNMENT RELATIONS

- (a) Claims against the United States.
- (b) Governmental relations, including boundaries, interstate compacts, and state taxation of interstate commerce.
- (c) Conflicts of interest and conflicts of laws.
- (d) Compensation for individuals or groups.
- (e) Federal holidays and celebrations, and charters for non-business corporations.
- (f) Apportionment of Representatives, meetings of Congress, attendance of Members and their acceptance of incompatible offices.

- (g) Contracts.
- (h) Revision and codification of the statutes of the United States, except for the Federal Criminal Laws.
- (i) Other related matters.

SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS AND RIGHTS

- (a) Constitutional amendments-1. Presidential succession.
- (b) Civil liberties.
- (c) Privacy matters, including oversight; consideration of wiretapping and electronic eavesdropping.
- (d) Civil rights and equal rights.
- (e) Separation of powers.
- (f) District of Columbia home rule.
- (g) Other related matters.

SUBCOMMITTEE ON CRIMINAL JUSTICE

- (a) Revision of the United States Criminal Code.
- (b) Law Enforcement Assistance Administration.
- (c) Oversight of the Department of Justice in criminal matters.
- (d) Criminal justice, including Federal Rules of Criminal Procedure, bail, Criminal Justice Act of 1964.
- (e) Firearms legislation, counterfeiting, and other criminal matters not otherwise specifically assigned by these rules.
- (f) Other related matters.

SUBCOMMITTEE ON CRIME AND CORRECTIONS

- (a) Oversight and investigation of criminal activities, including organized crime, street crime, and crimes associated with narcotics.
- (b) Corrections, including probation matters and pre- and post-release problems of criminal offenders.

- (c) National Penitentiaries.
- (d) Juvenile delinquency.
- (e) Other related matters.

SUBCOMMITTEE ON ECONOMIC
MATTERS

- (a) Antitrust.
- (b) Monopolies.
- (c) Bankruptcy.
- (d) Patents, trademarks, and copy-
rights.
- (e) Insurance.
- (f) Federal chartering of business
corporations.
- (g) Other related matters.

The committee has exercised jurisdictional authority over related subjects. These include bills relating to local courts in the District of Columbia, Alaska, and the territories, the establishment of a court of patent appeals, claims of states against the United States, bills relating to the Office of President, to the flag, removal of political disabilities, and the prohibition of traffic in intoxicating liquors. Moreover, the committee also reports on important subjects of law relating to questions within the jurisdiction of other committees.⁽³⁾

As the precedents reveal, the public jurisdiction of the committee and of those committees

3. All of the foregoing are cited in *House Rules and Manual* §708 (1973). See Rule X clause 1(m), *House Rules and Manual* §682 (1979).

whose responsibilities it assumed has also extended to such subjects as authorization to modify a trust of which the Library of Congress is a contingent beneficiary,⁽⁴⁾ establishment of a national motto,⁽⁵⁾ provision of a legal defense for Members and employees sued for duty related action,⁽⁶⁾ elimination of renewed oaths of office by civilians,⁽⁷⁾ and the establishment of panels to encourage inventions.⁽⁸⁾

In terms of private jurisdiction, the committee has dealt with such matters as conferring or extending veterans' survivor,⁽⁹⁾ medical,⁽¹⁰⁾ educational,⁽¹¹⁾ or insurance⁽¹²⁾ benefits, adjusting the annual leave account of a civil service employee,⁽¹³⁾ exempting a certain annuity fund from taxation,⁽¹⁴⁾ and providing tax relief to a charitable foundation and its contributors.⁽¹⁵⁾

Celebration Proclamations

§ 43.1 Measures calling on the President to issue proclama-

- 4.** § 43.10, *infra*.
- 5.** § 43.18, *infra*.
- 6.** § 43.17, *infra*.
- 7.** § 43.19, *infra*.
- 8.** §§ 43.15, 43.16, *infra*.
- 9.** §§ 43.24, 43.25, *infra*.
- 10.** §§ 43.26, 43.27, *infra*.
- 11.** § 43.28, *infra*.
- 12.** § 43.29, *infra*.
- 13.** § 43.20, *infra*.
- 14.** § 43.22, *infra*.
- 15.** § 43.23, *infra*.

tions establishing periods of celebration or commemoration were within the jurisdiction of the Committee on the Judiciary.

On Apr. 27, 1967,⁽¹⁶⁾ Speaker John W. McCormack, of Massachusetts, recognized Harley O. Staggers, of West Virginia, Chairman of the Committee on Interstate and Foreign Commerce, who made the following request:

Mr. Speaker, I ask unanimous consent that House Joint Resolution 117 authorizing and requesting the President to extend through 1967 his proclamation of a period to "See the United States," and for other purposes, be referred to the Committee on the Judiciary instead of the Committee on Interstate and Foreign Commerce. The Committee on the Judiciary has handled this matter before.

Immediately thereafter, the House agreed to the rereferral by unanimous consent.⁽¹⁷⁾

Civil Liberties; Sex Discrimination

§ 43.2 The Committee on the Judiciary and not the Com-

16. 113 CONG. REC. 11062, 90th Cong. 1st Sess.
17. Effective Jan. 3, 1975, the Committee Reform Amendments of 1974 transferred jurisdiction over holidays and celebrations from the Committee on the Judiciary to the Committee on Post Office and Civil Service. See Rule X clause 1(o)(7), *House Rules and Manual* § 684 (1979).

mittee on Education and Labor has jurisdiction of proposals amending the Civil Rights Act of 1957 [42 USC § 1975c(a)], to include discrimination on the basis of sex among the several forms of discrimination to be investigated by the Civil Rights Commission.

On Nov. 4, 1971,⁽¹⁸⁾ 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. As Chairman pro tempore Edmond Edmondson, of Oklahoma, noted:

When the Committee rose on yesterday, it was agreed⁽¹⁹⁾ that title X, ending on page 202, line 8, of the committee substitute amendment would be considered as read and open to amendment at any point.

Chairman of the Committee on the Judiciary, Emanuel Celler, of New York, made the following point of order:⁽²⁰⁾

Mr. Chairman, I make a point of order with reference to section 1007 of

18. 117 CONG. REC. 39248, 92d Cong. 1st Sess.
19. 117 CONG. REC. 39099, 92d Cong. 1st Sess., Nov. 3, 1971.
20. 117 CONG. REC. 39248, 92d Cong. 1st Sess., Nov. 4, 1971.

the committee substitute,⁽²¹⁾ the contents of which are exclusively within the purview of the House Judiciary Committee. It concerns the Civil Rights Act of 1957, and there are a number of bills pending in our committee concerning that act. For that reason a point of order made⁽²²⁾ to the provisions and a motion is made to strike.

The Chair then recognized Mrs. Edith S. Green, of Oregon, a mem-

21. Section 1007 was actually part of an amendment in the nature of a substitute recommended by the Committee on Education and Labor [see 117 CONG. REC. 39099, 92d Cong. 1st Sess., Nov. 3, 1971]. It read as follows: "Paragraph (1) of subsection (a) of section 104 of the Civil Rights Act of 1957 (42 USC §1975c(a)) is amended by inserting immediately after 'religion,' the following: 'sex,' and paragraphs (2), (3), and (4) of subsection (a) of such section 104 are each amended by inserting immediately after 'religion' the following: ', sex'."

22. 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 [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."

ber of the Committee on Education and Labor, who was managing the Bill in the Committee of the whole. The following exchange took place:

THE CHAIRMAN PRO TEMPORE: Does the gentlewoman from Oregon wish to be heard on the point of order?

MRS. GREEN OF OREGON: Mr. Chairman, I concede the point of order.

THE CHAIRMAN PRO TEMPORE: The point of order is conceded. The Chair sustains the point of order and the language in section 1007 is stricken.

Claims Against the United States; Compensating Flood Victims

§ 43.3 The Committee on the Judiciary and not the Committee on Public Works has jurisdiction of a bill to provide for determining the compensation of certain persons whose lands have been flooded and damaged by reasons of fluctuations in the water level of the Lake of the Woods, Minnesota.

On Mar. 17, 1954,⁽²³⁾ George A. Dondero, of Michigan, Chairman of the Committee on Public Works, obtained unanimous consent to have his committee discharged from further consideration of the bill (S. 215), and to

23. 100 CONG. REC. 3418, 83d Cong. 2d Sess.

have it rereferred to the Committee on the Judiciary.⁽²⁴⁾

Compensating Nonfederal Firemen for Civil Disorder Injuries

§ 43.4 The Committee on the Judiciary and not the Committee on Education and Labor has jurisdiction of a bill providing for compensation of firemen, not employed by the United States, who are killed or injured in the performance of duty during a civil disorder.

On May 6, 1968,⁽¹⁾ Carl D. Perkins, of Kentucky, Chairman of the Committee on Education and Labor, obtained unanimous consent to have the bill (H.R. 16898), rereferred from that committee to the Committee on the Judiciary.

Compensating Certain U.S. Employees for Newly Assigned Duties

§ 43.5 The Committee on the Judiciary and not the Committee on Post Office and Civil Service has jurisdiction

24. H.R. 2098, which was identical to S. 215, was reported by the Committee on the Judiciary on Aug. 4, 1954 (H. Rept. No. 2273).

1. 114 CONG. REC. 11798, 90th Cong. 2d Sess.

of a bill to provide for a claim for the payment of extra compensation for certain work heretofore performed by customs officers and employees.

On Mar. 23, 1950,⁽²⁾ 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 the bill (H.R. 7767), and to have it rereferred to the Committee on the Judiciary.

Increasing Pensions for Certain Class of Persons

§ 43.6 The Committee on the Judiciary and not the Committee on Veterans' Affairs has jurisdiction of a private bill amending an omnibus pension act to increase the amount of pension granted a certain class of persons.

On Feb. 15, 1960,⁽³⁾ Olin E. Teague, of Texas, Chairman of the Committee on Veterans' Affairs, obtained unanimous consent to have his committee discharged from further consideration of the bill (H.R. 10380), and to have it

2. 96 CONG. REC. 3989, 81st Cong. 2d Sess.

3. 106 CONG. REC. 2523, 86th Cong. 2d Sess.

rereferred to the Committee on the Judiciary.

Use of Contingent Fund as Reimbursement for Lost Cameras Entrusted to the Capitol Police

§ 43.7 The Committee on Claims (now the Committee on the Judiciary), and not the Committee on Accounts (now the Committee on House Administration), had jurisdiction of a private resolution appropriating money out of the contingent fund of the House to reimburse visitors to the Capitol for cameras checked with the Capitol Police and subsequently lost or stolen.

On Dec. 10, 1943,⁽⁴⁾ John J. Cochran, of Missouri, Chairman of the Committee on House Accounts (now the Committee on House Administration), obtained unanimous consent to have his committee discharged from further consideration of the resolution (H. Res. 194), and to have it rereferred to the Committee on Claims (now the Committee on the Judiciary).

4. 89 CONG. REC. 10553, 78th Cong. 1st Sess.

Validating Additional Sea Duty Payments for Naval Personnel

§ 43.8 The Committee on the Judiciary and not the Committee on Government Operations has jurisdiction of a bill to provide for validation of additional sea duty payments to certain naval personnel who served on vessels operating on the Great Lakes.

On May 29, 1956,⁽⁵⁾ William L. Dawson, of Illinois, Chairman of the Committee on Government Operations, obtained unanimous consent to have his committee discharged from further consideration of the bill (H.R. 11125), and to have it rereferred to the Committee on the Judiciary.

Criminal Justice Training and Research

§ 43.9 The Committee on the Judiciary and not the Committee on Un-American Activities had jurisdiction of a bill establishing an academy of criminal justice and providing for training and research in the administration of criminal justice.

5. 102 CONG. REC. 9253, 84th Cong. 2d Sess.

On Apr. 5, 1965,⁽⁶⁾ Edwin E. Willis, of Louisiana, Chairman of the Committee on Un-American Activities, obtained unanimous consent to have his committee discharged from consideration of the bill (H.R. 6071), and to have it re-referred to the Committee on the Judiciary. As Mr. Willis pointed out in making his request, the original referral was inadvertent.

Library of Congress Trust Fund

§ 43.10 The Committee on the Judiciary and not the Committee on House Administration has jurisdiction of a bill authorizing the Attorney General to consent, on behalf of the Library of Congress Trust Fund Board, to a modification of a certain trust of which the Library is a contingent beneficiary.

On Aug. 17, 1959,⁽⁷⁾ Omar T. Burleson, of Texas, Chairman of the Committee on House Administration, obtained unanimous consent to have that committee discharged from further consideration of the bill (H.R. 7415), and to have it rereferred to the Com-

6. 111 CONG. REC. 6822, 89th Cong. 1st Sess.

7. 105 CONG. REC. 16051, 86th Cong. 1st Sess.

mittee on the Judiciary. In so doing, Mr. Burleson noted:

. . . [I]f I may advise the Speaker,⁽⁸⁾ the gentleman from Vermont [Mr. Meyer] who introduced the bill and the chairman of the Committee on the Judiciary, the gentleman from New York [Mr. Celler], have agreed to accept the bill in the Judiciary Committee. The reason the request is made is that the other body has referred the companion bill to the Committee on the Judiciary.

Conflicts of Interest in the Executive Branch

§ 43.11 The Committee on the Judiciary and not the Committee on Post Office and Civil Service has jurisdiction of a bill establishing standards to govern possible conflicts of interest of employees of the executive branch of the government, providing the Attorney General with civil remedies for violations of these standards, and supplementing and revising the criminal law (Title 18, United States Code), prescribing restrictions against conflicts of interest.

On Feb. 25, 1960,⁽⁹⁾ Speaker Sam Rayburn, of Texas, recog-

8. Carl Albert (Okla.), Speaker pro tempore.

9. 106 CONG. REC. 3484, 86th Cong. 2d Sess.

nized Emanuel Celler, of New York, Chairman of the Committee on the Judiciary, who sought unanimous consent that the bill (H.R. 10575), be rereferred from the Committee on Post Office and Civil Service to the Committee on the Judiciary. In presenting his request, Mr. Celler stated "I have already arranged with the chairman of the Committee on Post Office and Civil Service [Thomas J. Murray (Tenn.)] and there is no objection to the rereference of the bill."

Immediately thereafter, the House granted unanimous consent.

D.C. Code of Laws

§ 43.12 The Committee on Revision of the Laws (now the Committee on the Judiciary), and not the Committee on the District of Columbia had jurisdiction of a bill authorizing the appointment of a commission to prepare a new Code of Laws for the District of Columbia.

On Mar. 13, 1940,⁽¹⁰⁾ Jennings Randolph, of West Virginia, Chairman of the Committee on the District of Columbia, obtained unanimous consent to have his

^{10.} 86 CONG. REC. 2808, 76th Cong. 3d Sess.

committee discharged from further consideration of the bill (H. R. 8891), and to have it referred to the Committee on Revision of the Laws (now the Committee on the Judiciary).

D.C. Judges' Retirement Pay

§ 43.13 The Committee on the Judiciary and not the Committee on the District of Columbia had jurisdiction of bills providing retirement pay for the judges of the police court, the municipal court, and the juvenile court of the District of Columbia.

On June 26, 1939,⁽¹¹⁾ Mr. Jennings Randolph, of West Virginia, obtained unanimous consent to have the Committee on the District of Columbia discharged from further consideration of H.R. 6651, and to have the bill referred to the Committee on the Judiciary. Unanimous consent had been obtained by Mr. Randolph for the similar rereferral of an identical bill (H. R. 6504), two weeks earlier.⁽¹²⁾

^{11.} 84 CONG. REC. 7904, 76th Cong. 1st Sess.

^{12.} 84 CONG. REC. 7050, 76th Cong. 1st Sess., June 12, 1939.

Interstate Racketeering in Cigarette Distribution; Cigarette Taxes

§ 43.14 The Committee on the Judiciary, and not the Committee on Ways and Means, has jurisdiction of bills to eliminate racketeering in the interstate sale and distribution of cigarettes and to assist state and local governments in the enforcement of cigarette taxes.

On Feb. 9, 1972,⁽¹³⁾ Wilbur D. Mills, of Arkansas, Chairman of the Committee on Ways and Means, obtained unanimous consent to have that committee discharged from further consideration of the bills (H.R. 7050, H.R. 12184, H.R. 12688, H.R. 12689), and to have them rereferred to the Committee on the Judiciary.

Invention Panels of the Military

§ 43.15 The Committee on Patents (now the Committee on the Judiciary), and not the Committee on Military Affairs (now the Committee on Armed Services), had jurisdiction of a bill to create a National Defense Commission on Inventions.

13. 118 CONG. REC. 3429, 3430, 92d Cong. 2d Sess.

On Apr. 21, 1941,⁽¹⁴⁾ Andrew J. May, of Kentucky, Chairman of the Committee on Military Affairs (now the Committee on Armed Services), obtained unanimous consent to have his committee discharged from further consideration of the bill (H.R. 3153), and to have it rereferred to the Committee on Patents (now the Committee on the Judiciary).

§ 43.16 The Committee on the Judiciary and not the Committee on Armed Services has jurisdiction of a bill to authorize the establishment of an Inventive Contributions Awards Board within the Department of Defense.

On June 25, 1953,⁽¹⁵⁾ Chauncey W. Reed, of Illinois, Chairman of the Committee on the Judiciary, obtained unanimous consent to have the Committee on Armed Services discharged from further consideration of the bill (H.R. 5889), and to have it rereferred to his committee.

Legal Defense for Personnel of House Committees Where Official Duties Prompt Lawsuits

§ 43.17 A resolution has been referred to and reported by

14. 87 CONG. REC. 3206, 77th Cong. 1st Sess.

15. 99 CONG. REC. 7328, 7329, 83d Cong. 1st Sess.

the Committee on the Judiciary (and subsequently adopted on the Consent Calendar) directing that committee to file general and special appearances on behalf of, and to arrange for the defense of, Members, former Members, and employees of the Committee on Un-American Activities with respect to any lawsuits brought against such persons growing out of actions undertaken in the performance of duties and obligations imposed upon them by the laws of Congress and the rules and resolutions of the House of Representatives.

On Sept. 6, 1961,⁽¹⁶⁾ the House considered on the Consent Calendar House Resolution 417 which read as follows:

Resolved, That effective from January 3, 1961, the provisions of H. Res. 190, Eighty-third Congress, agreed to March 26, 1953, and H. Res. 386, Eighty-third Congress, agreed to August 1, 1953, are continued in effect.

The first resolution (H. Res. 190),⁽¹⁷⁾ referred to above, was a response to the service of subpoenas upon six Members and two

employees of the House, all of whom were commanded to testify and give depositions in the case of *Michael Wilson et al. v Loew's Incorporated et al.*, an action pending in the Superior Court in and for the county of Los Angeles. The Members in question belonged to the Committee on Un-American Activities and the two employees had performed investigative work for that committee. The resolution noted that the complaint was directed, in part, at actions undertaken by the defendants "both in their official capacity with relation to [the] House Committee on Un-American Activities and individually in nonofficial capacities." It further noted that the service of such process upon Members of the House while Congress remained in session "might deprive the district which each respectively represents of his voice and vote;" that such service of process upon staff employees "will hamper and delay if not completely obstruct the work of such committee," and "by reason of the said processes . . . the rights and privileges of the House of Representatives may be infringed."

Accordingly, House Resolution 190 authorized and directed the Committee on the Judiciary to investigate and consider whether the service of aforementioned

16. 107 CONG. REC. 18240, 87th Cong. 1st Sess.

17. 99 CONG. REC. 2356, 2357, 83d Cong. 1st Sess., Mar. 26, 1953.

processes constituted an invasion of “the rights and privileges of the House” and whether allegations contained in the case complaint “reflected upon Members, former Members, and employees of the House and their actions in their representative and official capacities” thereby constituting an invasion of “the rights and privileges of the House of Representatives.”⁽¹⁸⁾ To this end, the committee or any subcommittee thereof was authorized to sit and act at any time or place, to hold hearings, to require the attendance of witnesses, the production of documents, and the taking of whatever testimony deemed necessary. The committee was granted subpoena power and authorized to incur all necessary expenses for the purposes described including:

. . . [E]mploy counsel to represent any and all of the Members, former Members, and employees of the House of Representatives named as parties defendant in the aforementioned action of *Michael Wilson et al. v. Loew's Inc. et al.*, and such expenses shall be paid from the Contingent Fund of the House of Representatives on vouchers authorized by said committee and signed by the chairman thereof and approved by the Committee on House Administration. . . .

The other resolution (H. Res. 386), incorporated by reference in

18. For further information on questions of privilege, see Ch. 11, *supra*.

House Resolution 417 was agreed to on Aug. 1, 1953,⁽¹⁾ and provided, in pertinent part, as follows:⁽²⁾

Resolved, That the Committee on the Judiciary, acting as a whole or by subcommittee, is hereby authorized to direct the filing in the case of *Michael Wilson, et al. v. Loew's Incorporated, et al.* of such special or general appearances on behalf of any of the Members, former Members, or employees of the House of Representatives named as defendants therein, and to direct such other or further action with respect to the aforementioned defendants in such manner as will, in the judgment of the Committee on the Judiciary, be consistent with the rights and privileges of the House of Representatives; and be it further

Resolved, That the Committee on the Judiciary is also authorized and directed to arrange for the defense of the Members, former Members, and employees of the Committee on Un-American Activities in any suit hereafter brought against such Members, former Members, and employees, or any one or more of them, growing out of the actions of such Members, former Members, and employees while performing such duties and obligations imposed upon them by the laws of the Congress and the rules and resolutions of the House of Representatives. The Committee on the Judiciary is authorized to incur all expenses necessary for the purposes hereof, including but not limited to expenses of travel and subsist-

1. 99 CONG. REC. 10950, 83d Cong. 1st Sess.
2. *Id.* at pp. 10949, 10950.

ence, employment of counsel and other persons to assist the committee or subcommittee, and if deemed advisable by the committee or subcommittee, to employ counsel to represent any and all of the Members, former Members, and employees of the Committee on Un-American Activities who may be named as parties defendant in any such action or actions; and such expenses shall be paid from the contingent fund of the House of Representatives on vouchers authorized by the Committee on the Judiciary and signed by the chairman thereof and approved by the Committee on House Administration.

Immediately after the Clerk read House Resolution 417, it was agreed to.⁽³⁾

Parliamentarian's Note: While in this instance the Committee on the Judiciary reported a resolution referred to it by the Speaker, authorizing that committee to continue legal actions initially authorized by resolutions adopted in a prior Congress, such a resolution conferring such authority on a standing committee would ordinarily be referred to the Committee on Rules or to the Committee on House Administration where use of the contingent fund is involved.

National Motto

§ 43.18 The Committee on the Judiciary has jurisdiction of

3. 107 CONG. REC. 18240, 87th Cong. 1st Sess., Sept. 6, 1961.

a joint resolution to establish a national motto of the United States.

On July 21, 1955,⁽⁴⁾ after Mr. Charles E. Bennett, of Florida, introduced House Joint Resolution 396, it was referred to the Committee on the Judiciary.

Oaths of Office by Executive Branch Civilians—Dispensing With Renewals

§ 43.19 The Committee on the Judiciary and not the Committee on Expenditures in the Executive Departments (now the Committee on Government Operations), had jurisdiction of a bill to dispense with unnecessary renewals of oaths of office by civilian employees of the executive departments and independent establishments.

On Apr. 22, 1937,⁽⁵⁾ by direction of the Committee on Expenditures the Executive Departments (now the Committee on Government Operations), Mr. John J. Cochran, of Missouri, obtained unanimous consent to have that committee discharged from further consideration of the bill (H.R. 6295), and

4. 101 CONG. REC. 11193, 84th Cong. 1st Sess.
5. 81 CONG. REC. 3740, 75th Cong. 1st Sess.

to have it rereferred to the Committee on the Judiciary. In so doing, Mr. Cochran noted that a similar bill had been reported by the Committee on the Judiciary in the previous Congress.

Private Bill Adjusting Federal Employee's Annual Leave

§ 43.20 The Committee on the Judiciary and not the Committee on Post Office and Civil Service has jurisdiction of a private bill to adjust the "annual-leave account" of an employee under the Federal Civil Service.

On Mar. 21, 1960,⁽⁶⁾ 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 the private bill (H. R. 10432), and to have it rereferred to the Committee on the Judiciary.

Excluding Employee From United States Code Section Affecting Compensation

§ 43.21 The Committee on the Judiciary and not the Committee on Post Office and Civil Service has jurisdiction

6. 106 CONG. REC. 6131, 86th Cong. 2d Sess.

of a private bill waiving the applicability to an individual of section 3(b) of the Act entitled "An act to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes," approved July 31, 1946 [5 USC § 951(b)].

On Oct. 11, 1949,⁽⁷⁾ 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 the bill (H.R. 6284), and to have it referred to the Committee on the Judiciary.

Providing Tax Relief

§ 43.22 The Committee on the Judiciary and not the Committee on Ways and Means has jurisdiction over a private bill specifying that a certain annuity fund is exempt from taxation under provisions of the Internal Revenue Code.

7. 95 CONG. REC. 14258, 14259, 81st Cong. 1st Sess.

On Sept. 1, 1959,⁽⁸⁾ Wilbur D. Mills, of Arkansas, Chairman of the Committee on Ways and Means, obtained unanimous consent to have his committee discharged from further consideration of the bill (H.R. 7854), and to have it rereferred to the Committee on the Judiciary.

(H.R. 7854 was intended to provide tax relief to the annuity fund of the electrical switchboard and panelboard manufacturing industry of New York and the contributors thereto.)

§ 43.23 The Committee on the Judiciary and not the Committee on Ways and Means has jurisdiction of private bills to provide tax relief to a charitable foundation and the contributors thereto.

On Aug. 1, 1955,⁽⁹⁾ Jere Cooper, of Tennessee, Chairman of the Committee on Ways and Means, obtained unanimous consent to have his committee discharged from further consideration of two identical bills (H.R. 7746, H.R. 7747), and to have the measures rereferred to the Committee on the Judiciary.

8. 105 CONG. REC. 17612, 86th Cong. 1st Sess.

9. 101 CONG. REC. 12655, 84th Cong. 1st Sess.

Relating to Veterans' Survivor Benefits

§ 43.24 The Committee on the Judiciary and not the Committee on Veterans' Affairs had jurisdiction of a private bill entitling the parents of a serviceman who died in France to those veterans' benefits to which they would have been entitled had their son's application not been misplaced by the veterans' agency to which delivered.

On Apr. 8, 1948,⁽¹⁰⁾ Edith Nourse Rogers, of Massachusetts, Chairwoman of the Committee on Veterans' Affairs, obtained unanimous consent to have her committee discharged from further consideration of the bill (H.R. 5515), and to have it rereferred to the Committee on the Judiciary. In so doing, Mrs. Rogers noted that the Committee on Veterans' Affairs did not handle claims, and that the rereferral was satisfactory to the Chairman⁽¹¹⁾ of the Committee on the Judiciary as well as the author of the bill.

§ 43.25 The Committee on the Judiciary and not the Committee on Veterans' Affairs

10. 94 CONG. REC. 4272, 80th Cong. 2d Sess.

11. Earl C. Michener (Mich.).

has jurisdiction of a private bill providing that a certain person shall be considered the lawful widow of a World War I veteran and authorizing the Administrator of Veterans' Affairs to pay such benefits to which she is entitled as the lawful widow of such veteran.

On Apr. 5, 1950,⁽¹²⁾ John E. Rankin, of Mississippi, Chairman of the Committee on Veterans' Affairs, obtained unanimous consent to have his committee discharged from further consideration of the bill⁽¹³⁾ (H.R. 743), and to have it rereferred to the Committee on the Judiciary.

Private Bill Entitling Veteran to Medical Care

§ 43.26 The Committee on the Judiciary and not the Committee on Veterans' Affairs has jurisdiction of a private bill entitling an American citizen who served in the Royal Canadian Air Force during World War II to receive medical, hospital, and

12. 96 CONG. REC. 4884, 81st Cong. 2d Sess.

13. An identical bill (H.R. 3276), pertaining to the same person was similarly rereferred in a later Congress; see 99 CONG. REC. 1566, 1567, 83d Cong. 1st Sess., Mar. 3, 1953.

domiciliary care to the same extent as those who served an equivalent period of time in the U.S. Armed Forces and who were honorably discharged therefrom.

On Mar. 3, 1953,⁽¹⁴⁾ Edith Nourse Rogers, of Massachusetts, Chairwoman of the Committee on Veterans' Affairs, obtained unanimous consent to have her committee discharged from further consideration of the bill (H.R. 3350), and to have it rereferred to the Committee on the Judiciary.⁽¹⁵⁾

§ 43.27 The Committee on the Judiciary and not the Committee on Veterans' Affairs has jurisdiction of a private bill authorizing and directing the Administrator of Veterans' Affairs to furnish domiciliary or hospital care in an appropriate Veterans' Administration facility to a veteran of military engagements in the Philippine Islands.

On Mar. 9, 1953,⁽¹⁶⁾ Edith Nourse Rogers, of Massachusetts,

14. 99 CONG. REC. 1566, 1567, 83d Cong. 1st Sess.

15. H.R. 3350 was reported by the Committee on the Judiciary on July 1, 1953 (H. Rept. No. 699).

16. 99 CONG. REC. 1759, 1760, 83d Cong. 1st Sess.

Chairwoman of the Committee on Veterans' Affairs, obtained unanimous consent to have her committee discharged from further consideration of the bill (H.R. 3723), and to have it rereferred to the Committee on the Judiciary.

Private Bill Extending Certain Veterans' Benefits

§ 43.28 The Committee on the Judiciary and not the Committee on Veterans' Affairs has considered private bills extending the time within which an educational program under veterans' benefits might be initiated.

On Apr. 29, 1959,⁽¹⁷⁾ Olin E. Teague, of Texas, Chairman of the Committee on Veterans' Affairs, obtained unanimous consent that his committee be discharged from further consideration of two private bills (H.R. 3244, H.R. 3991), and that they be rereferred to the Committee on the Judiciary.

§ 43.29 The Committee on the Judiciary and not the Committee on Veterans' Affairs has jurisdiction of a private bill directing the Administrator of Veterans' Affairs to renew a veteran's insurance policy.

17. 105 CONG. REC. 7028, 86th Cong. 1st Sess.

On May 16, 1956,⁽¹⁸⁾ Laurence Curtis, of Massachusetts, obtained unanimous consent to have the Committee on Veterans' Affairs discharged from further consideration of the bill (H.R. 10890), and to have it rereferred to the Committee on the Judiciary. In so doing, he noted that the matter had been cleared with the chairmen of both committees.

Salary Claim Due Former Member's Estate

§ 43.30 The Committee on the Judiciary and not the Committee on House Administration has jurisdiction of a resolution authorizing the Speaker to certify the proper salary certificates and enabling the Comptroller General to certify for payment the claim of a former Member's estate for salary due that Member.

On Aug. 5, 1954,⁽¹⁾ Speaker Joseph W. Martin, Jr., of Massachusetts, recognized Mr. Karl M. LeCompte, of Iowa, who noted that the resolution (H. Res. 301), "seems to have the elements of a claim," and that the Committee on

18. 102 CONG. REC. 8268, 84th Cong. 2d Sess.

1. 100 CONG. REC. 13469, 83d Cong. 2d Sess.

House Administration, which he chaired, voted to request that the measure be referred to the Committee on the Judiciary "which has jurisdiction of claims." Mr. LeCompte added that such action was agreeable to the Chairman⁽²⁾ of the Committee on the Judiciary.

Immediately thereafter, the resolution was rereferred by unanimous consent.⁽³⁾

State Taxation Prohibition

§ 43.31 The Committee on the Judiciary and not the Committee on Ways and Means has jurisdiction of bills "to provide that the several States shall not impose taxes" in respect of income derived from certain interstate activities.

On June 18, 1959,⁽⁴⁾ Wilbur D. Mills, of Arkansas, Chairman of the Committee on Ways and Means, obtained unanimous consent to have the bill (H.R. 7715), rereferred from that committee to the Committee on the Judiciary.⁽⁵⁾

2. Chauncey W. Reed (Ill.).

3. A similar rereferral was obtained with respect to a resolution (H. Res. 269), regarding the same subject in the next Congress; 101 CONG. REC. 8757, 84th Cong. 1st Sess., June 20, 1955.

4. 105 CONG. REC. 11317, 86th Cong. 1st Sess.

5. For an instance where a bill adding a new section to the Internal Rev-

Election Law Penalties

§ 43.32 The Committee on the Judiciary and not the Committee on the Election of the President, Vice President, and Representatives in Congress (now the Committee on House Administration), had jurisdiction of a bill to amend 2 USC §251 in force Jan. 3, 1935, also adding thereto sections 251A and 251B, relating to offenses in elections and providing penalties therefor.

On Feb. 19, 1936,⁽⁶⁾ Mr. Thomas Brooks Fletcher, of Ohio, obtained unanimous consent to have the Committee on the Election of the President, Vice President, and Representatives in Congress (now the Committee on House Administration), discharged from further consideration of the bill (H.R. 9481), and to have it rereferred to the Committee on the Judiciary. Mr. Fletcher noted that he had

enue Code prohibiting states from taxing individual income earned by persons not domiciled in that state or earned from sources outside that state was rereferred from the Committee on the Judiciary to the Committee on Ways and Means, see 120 CONG. REC. 29006, 93d Cong. 2d Sess., Aug. 19, 1974.

6. 80 CONG. REC. 2360, 74th Cong. 2d Sess.

spoken to the chairmen of both committees.

§44. Committee on Merchant Marine and Fisheries

The Committee on Merchant Marine and Fisheries was established on Dec. 21, 1887,⁽⁷⁾ to take the place of the old Select Committee on Shipbuilding and Shipowning Interests. The committee was primarily ocean-oriented, and because of the importance of wireless telegraphy (i.e., radio) in maritime commerce, sea disasters, and naval operations,⁽⁸⁾ the committee was given jurisdiction over matters relating to radio services in 1919.⁽⁹⁾ In 1932, the committee's name changed to become the Committee on Merchant Marine, Radio, and Fisheries; however, the new name lasted only briefly as the committee was divested of radio services jurisdiction by House resolution⁽¹⁰⁾ in

1935. The same resolution also increased the jurisdictional breadth of the committee by transferring to it subject matters formerly within the realm of the Committee on Interstate and Foreign Commerce.⁽¹¹⁾ The Legislative Reorganization Act of 1946⁽¹²⁾ further enhanced the committee's jurisdiction. Under the 1973 rules⁽¹³⁾ the committee's jurisdiction read as follows:

- (a) Merchant marine generally.
- (b) Coast and Geodetic Survey.
- (c) Coast Guard, including lifesaving service, lighthouses, lightships, and ocean derelicts.
- (d) Fisheries and wildlife, including research, restoration, refuges, and conservation.
- (e) Measures relating to the regulation of common carriers by water (except matters subject to the jurisdiction of the Interstate Commerce Commission) and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

- 7. 4 Hinds' Precedents §4129.
- 8. See Walter J. Oleszek, "Monographs on the Committees of the House of Representatives" (93d Cong. 2d Sess., Dec. 13, 1974), committee print, p. 110.
- 9. The committee had reported on measures pertaining to radio communication before that, however; see 7 Cannon's Precedents §1853.
- 10. H. Res. 126, 79 CONG. REC. 2631, 74th Cong. 1st Sess., Feb. 26, 1935.

- 11. The Committee on Interstate and Foreign Commerce forfeited its jurisdiction over all transportation by water, the Coast Guard, lifesaving service, lighthouses, lightships, ocean derelicts, the Coast and Geodetic Survey, and the Panama Canal. See §44.19, *infra*.
- 12. 60 Stat. 812.
- 13. Rule XI clause 14, *House Rules and Manual* §709 (1973). See Rule X clause 1(n), *House Rules and Manual* §683 (1979).