Jurisdictional History of the Committee

This appendix presents a narrative jurisdictional history of the Committee on Ways and Means from its creation in 1789 as a select committee to its condition in 1989. House Rule X, Clause 1 (v) of the Rules of the House for the One Hundred First Congress, delineates the Ways and Means Committee's current jurisdiction as follows:

1. Customs, collection districts, and ports of entry and delivery.
2. Reciprocal trade agreements.
3. Revenue measures generally.
4. Revenue measures relating to the insular possessions.
5. The bonded debt of the United States (subject to the last sentence of clause 4(g) of this rule).
6. The deposit of public moneys.
7. Transportation of dutiable goods.
8. Tax exempt foundations and charitable trusts.
9. National social security, except (A) health care and facilities programs that are supported from general revenues as opposed to payroll deductions and (B) work incentive programs.

Clause 4(g) of House Rule X relates to procedures for setting the national debt limit triggered by House adoption of a congressional budget resolution reported by the Budget Committee.

Since its creation as a select committee in 1789, and its formal reconstitution as a standing committee in 1802, the Committee on Ways and Means has had its formal jurisdiction revised several times, typically when the House has adopted changes to, or conducted a recodification of, the Rules of the House.[1] However, the committee's jurisdictional responsibilities have more often been changed through precedent, as determined by referral patterns of measures. In these cases the committee has usually gained additional responsibilities.[2]

The following chronological history accounts for, and details, the development of the Ways and Means Committee's subject responsibilities and jurisdictional language, both as included in House Rules and as accrued through referrals that seemingly set precedent. The history explains the circumstances causing each modification, usually by citing the specific measure(s) which instigated the modification.[3]

Generally, *Hinds' Precedents of the House of Representatives* (1907) and

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Cannon's Precedents of the House of Representatives (1936), *Deschler's Precedents of the House of Representatives* (1977), and *Procedure in the House of Representatives,* including the 1985 and 1987 Supplements to the Procedure Volume, have served as the primary source materials. As well, the *Congressional Record* and its predecessor volumes (i.e. the *Congressional Globe,* Gales and Seaton's *Register of Debates,* and the *Annals of Congress*) and the House *Journal,* have provided a wealth of information. The Rules of the House of Representatives, as adopted each Congress, and the Parliamentarian's explanatory notations regarding those rules, were consulted when those documents were available. Numerous periodicals that provide extensive coverage of congressional proceedings, such as *Congressional Quarterly* and *National Journal,* and several secondary sources, including many of the scholarly works cited in the text and bibliography of this history, were consulted for confirmation of certain events or, as was more often the case, for an explanation of the political or institutional context of certain occurrences. Where appropriate, footnotes indicate sections in the text of this history that more fully discuss the issue or the specific incident; in many cases, where necessary for precision, statements of jurisdictional topics are drawn directly from formulations in cited primary sources.

Chronological Jurisdictional History

1789: When the select Committee on Ways and Means was created on July 24, the jurisdiction was detailed in the resolution creating the panel as "to consider the report of a committee appointed to prepare an estimate of supplies requisite for the services of the United States for the current year, and to report thereon." The select committee was disestablished later this year.[4]

1794: The select committee was reestablished with jurisdiction to "inquire whether any, or what, further or other revenues are necessary for the support of public credit; and if further revenues are necessary, to report the ways and means." [5]

1794: The committee first gained jurisdiction over increased import and tonnage duties, excise, stamp, and license taxes, and direct taxes on land.

1795: The committee had jurisdiction over "all reports from the Treasury Department, all propositions relating to revenue, and they are to report on the state of the Public Debt, revenues, and expenditures." [6]

1795–1801: The committee during this period exercised jurisdiction

over redemption of the federal debt, the modification of existing excise taxes, and the feasibility of soliciting foreign loans and of imposing a direct tax on land.

1796: The committee gained jurisdiction over "additional general revenues, expenses of foreign intercourse, and money for the military and naval establishments."

1801: By motion, and over the objections of the Ways and Means Committee, the Committee on Commerce and Manufactures was granted jurisdiction over import duties and tariff laws.[7]

1802: The panel was formally appointed as a standing committee in the House Rules. From 1795 until this time, the committee was consistently reappointed each Congress by resolution rather than by a provision in House Rules. When made a standing committee, it gained jurisdiction over examination of the public departments, their expenditures, and the economy of their management; it also included jurisdiction over revenue and appropriations bills generally.[8]

1802: The committee's jurisdiction as listed in House Rules was fully defined as "all such reports of the Treasury department, and all such propositions relative to the revenue . . . to inquire into the state of the public debt, of the revenue, and of the expenditures, and to report, from time to time, their opinion thereon; to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements, as may be necessary to add to the economy of the departments and to the accountability of their officers." [9]

1803: The committee reported that portion of the treaty for the Louisiana Purchase which related to the purchase price by authorizing and appropriating funds for "expenses incurred in foreign affairs," thereby exercising jurisdiction over that area.[10]

1805: The committee had referred to it the President's message on neutrality. (However, the committee did not have clear and undisputed jurisdiction over foreign affairs; for example, in 1807 the maritime rights issue raised by the *Chesapeake* incident was referred to the Committee on Commerce and Manufactures. The Committee on Foreign Affairs was created in 1822.) [11]

1814: The committee lost jurisdiction over examination of the public

departments, their expenditures, and the economy of their management to the newly created Committee on Public Expenditures.[12]

1814: The committee was referred the petition requesting a charter for a national bank (the charter was rejected; a bill for a charter for the Second Bank of the United States was reported by the Committee on Currency).[13]

1815: The Committee on Ways and Means and the Committee on Commerce and Manufactures (which in 1819 was divided into two separate panels, one on Commerce and one on Manufactures) each received referrals of petitions seeking changes in the revenue, or urging further protection for manufactures.[14]

1816: The committee shared jurisdiction over tonnage duties with the Committee on Foreign Affairs.[15]

1819: The committee lost jurisdiction over originating tariff bills to the Committee on Manufactures (which earlier this year had been split into a separate committee), although tariff measures whose purpose was revenue only remained within the jurisdiction of the Ways and Means Committee. However, the Ways and Means Committee also continued to exercise jurisdiction over such measures whose primary focus was revenue. For example, 1824 and 1828 tariff bills were reported from the Committee on Manufactures; yet a 1828 tariff measure reported in response to the Committee on Manufactures' version was reported from the Committee on Ways and Means; it is generally agreed that this 1828 measure reported by the Ways and Means Committee signalled its intent to reassert its jurisdiction over the area.[16]

1824: The committee lost jurisdiction over veterans to a newly created Committee on Veterans' Affairs.

1824: The Committee on Manufactures reported the Tariff of 1824. A motion to refer the measure to the Committee on Ways and Means to review its bearing on revenue was tabled by a vote of 96–92. (During the debate, Chairman McLane of the Ways and Means Committee indicated his understanding of, and acceptance of the Committee on Manufactures' jurisdiction over protective tariffs.) [17]

1831: The President's message on tariff reduction was referred jointly to the Committee on Ways and Means, for portions "relieving the people from unnecessary taxation" and to the Committee on Manufactures, for portions on "manufactures and a modification of the tariff." [18]

1863: The committee gained jurisdiction over distributing the President's annual message.

1865: The House created an Appropriations Committee, with jurisdiction over appropriations bills, and a Banking and Currency Committee with jurisdiction over banking and currency bills; the Ways and Means Committee retained jurisdiction over raising revenue measures. Representative Samuel Cox stated at the time that his intention in offering the measure to create the two new committees was to alleviate the heavy workload burden (in part due to the Civil War) on the Ways and Means Committee members without denying them attractive jurisdictional areas, and that the Ways and Means Committee would preserve the "tariff, the internal revenue, the loan bills, legal tender notes, and all other matters connected with supporting the credit and raising money." (Also discussed during the debate was the undesirability of separating the revenue from the appropriations features of legislation. However, the Committee on Ways and Means retains jurisdiction over certain permanent spending authorities, such as Social Security, Medicare, interest on the national debt, public assistance grants, and other social services benefits. The Appropriations Committee, however, must recommend appropriations of funds to finance the entitlement spending programs within the jurisdiction of other committees. Until 1974, the Ways and Means Committee also had responsibility for general revenue sharing, which in that year was transferred to the Committee on Government Operations.) [19]

1865–1880: House Rule 151 listed the committee's jurisdiction as, "It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the Treasury Department, and such other propositions relative to raising revenue and providing ways and means for the support of the Government as shall be presented or shall come in question and be referred to them by the House, and to report their opinion thereon by bill or otherwise, as to them shall seem expedient; and said Committee shall have leave to report for commitment at any time." [20]

1880: Pursuant to the rules recodification of this year, Section 2 of House Rule XI defined the committee's jurisdiction so as to include "revenue and bonded debt of the United States."

1880: By a vote of 140–82, the House referred a bill for revising tariff laws from the Committee on the Revision of the Laws (a predecessor of the Judiciary Committee) to the Committee on Ways and Means. After a lengthy debate, the House decided that the measure had been incorrectly referred.[21]

1881: The House referred a measure which "prohibits farmers and planters from selling leaf tobacco at retail directly to consumers without the payment of a special tax" to the Committee on Ways and Means. Previously, the House defeated a motion to refer a bill which amends a section of the Revised Statutes of the United States to the Committee on Agriculture, by a 97–135 vote, although in prior Congresses similar bills had been referred to the Agriculture Committee. Thereafter, with the exception of revenue legislation affecting oleomargarine, the revenue bills affecting tobacco, lard and cheese were referred to the Ways and Means Committee. (See, for example, in 1892, a bill imposing a tax on compound lard; in 1884, a bill to prevent the importation of adulterated and suspicious teas; and, in 1896, a bill imposing a tax on filled cheese.) Revenue measures affecting oleomargarine remained within the jurisdiction of the Committee on Agriculture, although the Ways and Means Committee occasionally reported on the subject of oleomargarine, such as in 1882 when the Ways and Means Committee reported a bill imposing a tax and regulating the manufacture and sale of oleomargarine and in 1900 when the committee reported a resolution of inquiry relating to the amount and character of material used by the various manufacturers of oleomargarine.[22]

1882: After defeating a motion to refer two joint resolutions regarding reciprocity treaties to the Foreign Affairs Committee by a 51–75 vote, the measures (one regarding the establishment by treaty of a customs union with the Hawaiian Islands, the other the establishment of a customs union with Mexico) were referred to the Ways and Means Committee. The precedents to that time had varied, with measures going at different times to the Ways and Means, Commerce, and Foreign Affairs Committees. Thereafter, however, the subjects of customs unions, reciprocity treaties, and conventions affecting the revenues were referred to the Ways and Means Committee. (See, for example, in 1884 a measure to carry into operation the reciprocity treaty with Mexico; in 1886, the joint resolution giving notice to terminate the convention with the Hawaiian Islands in reference to commerce; in 1891 a measure again relating to the Hawaiian treaty; in 1896 regarding general investigation of reciprocity and commercial treaties; in 1899 a bill to carry into effect a convention between the United States and the Republic of Cuba; in 1904 regarding legislation to carry into effect the reciprocity treaty with Cuba; and in 1906 on the subject of tariff relations with Germany. These latter two entries were contained in the President's message and were not freestanding pieces of legislation.) [23]

1884: The committee gained jurisdiction over seal herds and other revenue producing animals of Alaska when it reported a measure

for investigation of the relations existing between the Alaska Commercial Company and the United States and whether the contract should be abrogated (see, in 1890 and in 1895, a bill to enable the Secretary of the Treasury to gather information as to the impending extinction of the fur seals and sea otter; in 1895 a bill on fur bearing animals in Alaska; in 1896, bills on Alaska fur seals, and an investigation of the seal fisheries; and in 1902, a bill to amend an act to prevent the "extermination of fur bearing animals in Alaska" that was transferred from the Committee on Territories to the Committee on Ways and Means).[24]

1888: The committee reported a bill for the consolidation of the customs collection districts, and after 1895 the entire jurisdiction over customs districts, ports of entry and delivery, and transportation of dutiable goods was transferred from the Commerce Committee to the Ways and Means Committee. (Measures from 1882, 1884, 1887, 1888, and 1890 were reported by the Commerce Committee; in 1896, the Ways and Means Committee reported on Alaska customs collection districts and ports of entry and delivery; in 1898 it reported a bill designating Gladstone, Michigan, as a sub-port of entry; and in 1900 it reported a bill relating to transportation of dutiable goods in bond between certain places in the United States, Canada, and Mexico.) [25]

1890: After defeating a motion to refer a bill "to relieve the Treasurer from the amount charged to him and deposited with several States" to the Appropriations Committee by a 9–134 vote, and defeating another motion to refer the bill to the Judiciary Committee by a 94–134 vote, the House referred the measure to the Ways and Means Committee. Thereafter, measures relating to the U.S. Treasury and the deposit of public moneys were referred to the Ways and Means Committee. (See, for example, in 1892, a bill to allow commissions of officers in the Treasury Department to be made out there rather than the State Department; in 1892, a bill on subtreasuries; in 1893, a bill on the condition of the Treasury; in 1901, a bill relating to the deposit of public funds received from certain duties in national banks; in 1906, on deposit of public money in U.S. depositories and on checks of disbursing officers of the Treasury.) [26]

1895: The committee gained jurisdiction of customs districts, ports of entry and delivery, and transportation of dutiable goods from the Committee on Commerce (see 1888 entry for more details).

1896: The committee reported a bill to provide for sub-ports of entry and delivery in Florida. (In 1890, a bill which substituted Cheboy-

gan for Duncan City as a port of delivery was reported from the Commerce Committee. Two other bills on ports of delivery were also reported from the Commerce Committee in 1890. In 1893, a bill to provide for the establishment of a port of delivery at Council Bluffs, Iowa, was reported from the Commerce Committee. In 1896, however, the above noted bill on ports of entry and delivery was referred to the Committee on Ways and Means. That same year, a bill to constitute Stanford, Connecticut, as a sub-port of entry was also reported from Ways and Means Committee. In 1898, four bills, one to regulate the salary of officials at the port of Des Moines, two on designating sub-ports of entry, and one relating to the Mexican Free Zone, were reported by Ways and Means.) [27]

1896: The committee had jurisdiction over those portions of the President's message referring to "national finances, the public debt, including bond issues, to the public revenues, to our trade relations with foreign countries, and condition of the Treasury." (The committee in 1896 reported a resolution of inquiry on bond sales under the Resumption Act and a bill relating to sale to protect the coin redemption fund, and investigated the invasion of American markets by products of cheap labor and the effect of exchange between gold and silver standard countries; in 1898, it adversely reported a concurrent resolution relating to payment of the bonded obligations of the United States, and reported a bill authorizing the redemption and to limit the right of conversion of refunding certificates issued under the authority of an 1879 act.) (Yet see 1897 entry.) [28]

1897: The committee had its jurisdiction limited to "revenue and bonded debt of the United States and to . . . treaties affecting the revenue," after the Banking and Currency Committee successfully blocked an attempt to refer to the Ways and Means Committee those portions of the President's message which relate to "the revenue, the national finances, the public debt, the preservation of the Government credit, and to treaties affecting the revenue" thereby denying the Ways and Means Committee jurisdiction over "national finances and the preservation of Government credit" (see 1896 entry).[29]

1899: The committee reported a bill to provide revenue for Puerto Rico (see, in 1899, a bill to extend the customs laws over the Hawaiian Islands; in 1905, the Philippine Tariff Bill, and in 1906, another Philippine Tariff Bill).[30]

1908: The committee gained jurisdiction over fixing compensation of officials in the customs service (see also, in 1919, a bill to authorize

the Secretary of the Treasury to fix compensation of certain laborers in the customs service; and in 1920, a bill to amend an act to "provide for the lading or unloading of vessels at night and the preliminary entry of vessels").[31]

1909: The committee gained jurisdiction over legislation relating to the importation of narcotics. (See, in 1909, a bill prohibiting the importation and use of opium for other than medicinal purposes; in 1914 and 1922, bills amending the Harrison Narcotics Act prohibiting the importation and use of opium for other than medicinal purposes; and, in 1924, a bill prohibiting the importation of crude opium for the purpose of manufacturing heroin.) [32]

1910: The committee gained jurisdiction over legislation specifying methods of packing tobacco on which a tax is levied (see, in 1910, a bill to authorize the packing of fine-cut chewing tobacco in wooden packages containing 10, 20, 40, and 60 pounds each).[33]

1910: The committee gained jurisdiction over legislation to license customhouse brokers.[34]

1910: The committee gained jurisdiction over legislation relating to appraisers of merchandise in the customs service. (See, in 1910, a bill to limit and fix compensation of the appraiser of merchandise at the port of San Francisco; and, in 1912, a bill to make the special examiner of drugs, medicines, and chemicals an assistant appraiser for the Port of Boston.) [35]

1911: The House Rules were amended and the committee's jurisdiction was redefined to include "such measures as purport to raise revenue."

1911: The committee gained jurisdiction over legislation providing for the creation of a tariff board.[36]

1912: The committee gained jurisdiction over legislation providing for refund of duties collected on imports.[37]

1912: The committee gained jurisdiction over legislation pertaining to entry under bond of exhibits without payment of duty.[38]

1912: The committee gained jurisdiction over legislation to provide an allowance for the loss of distilled spirits deposited in internal-revenue warehouses.[39]

1912: The committee gained jurisdiction (from the Committee on Ir-

rigation of Arid Lands) over legislation relating to the issuance of certificates of indebtedness to the reclamation fund. (See, in 1912, a bill to authorize further advances to the reclamation fund for the issuance and disposal of certificates of indebtedness in reimbursement, which therefore was by unanimous consent discharged from the Committee on Arid Lands and referred to the Committee on Ways and Means; and, in 1919, a similar bill that was transferred by unanimous consent from the Committee on Arid Lands to the Committee on Ways and Means.) [40]

1912: The committee gained jurisdiction over bills providing methods of payment of duties and acceptance of negotiable instruments in payment of duties and taxes.[41]

1915: The committee lost jurisdiction over "distributing President's annual message" when the practice was discontinued.[42]

1920: The committee gained jurisdiction over adjusted compensation of World War veterans, except legislation relating to disabilities incurred in the service.[43]

1921: The committee gained jurisdiction over the authorization to conduct negotiations relating to obligations of foreign governments to the United States. (See, in 1921, a bill to create a commission authorized under certain conditions to refund or convert obligations of foreign governments owing to the United States; and, in 1924, a bill to authorize the settlement of the indebtedness of the Kingdom of Hungary to the United States.)[44]

1924: The committee lost jurisdiction over "seal herds and other revenue producing animals of Alaska" to the Merchant Marine and Fisheries Committee when the Speaker, by consent between the two committee chairmen, referred two measures on fur-bearing animals in Alaska and the use of the receipts from the sale of the fur seals, from the Committee on Ways and Means.[45]

1924: The committee lost jurisdiction over adjusted compensation of World War veterans to the newly created Committee on World War Veterans' Legislation.

1926: The committee gained jurisdiction over bills relating to the United States Customs Court (see, in 1926, a bill to provide the name by which the Board of General Appraisers and its members shall be known).[46]

1926: The committee gained jurisdiction over the control and dispo-

sition of alien property held by the United States, and the adjudication of conflicting claims of American subjects against foreign governments and foreign subjects against the United States. (See, in 1926, a bill to provide for the settlement of certain claims of American nationals against Germany and of German nationals against the United States, for the ultimate return of all property of German nationals held by the Alien Property Custodian, and for the equitable apportionment among all claimants of certain available funds.) [47]

1934: The committee gained jurisdiction when it reported the Reciprocal Trade Agreements Act which authorized the President to negotiate import duties through reciprocal agreements with foreign nations.

1935: The committee withstood the challenge of the Labor Committee to have the Social Security Act referred to it.

1935: The committee gained jurisdiction (from the Foreign Affairs Committee) over a resolution of inquiry directing the Secretary of State to transmit to the House information touching on the failure of Brazil and Colombia to ratify certain trade agreements.[48]

1939: By unanimous consent, the Committee on Ways and Means was granted jurisdiction over a bill to consolidate and codify the internal revenue laws of the United States. It was stated that the Committee on Revision of the Laws (a predecessor of the present Judiciary Committee) had no objection despite their jurisdiction over "the revision and codification of the statutes of the United States." [49]

1941: By unanimous consent, the committee was discharged from consideration of a bill to provide that the United States should aid the states in fish restoration and management projects, and the bill was referred to the Committee on Merchant Marine and Fisheries.[50]

1941: By unanimous consent, the committee was discharged from consideration of a bill to reduce the interest on loans on U.S. government life insurance and the bill was referred to the Committee on World War Veterans' Legislation (predecessor of the Committee on Veterans Affairs).[51]

1946: The Joint Committee on the Organization of the Congress, created to consider the organization and operations of the legislative branch, completed its deliberations and the Legislative Reorganization Act of 1946 [52] was adopted. The measure, which is often credited with creating the modern committee system, disestablished or merged many committees, and also for the first time systematically

included jurisdictional language for each committee in House Rules. It stated the jurisdiction of the Ways and Means Committee as follows:

(a) customs, collection districts, and ports of entry and delivery
(b) national social security
(c) reciprocal trade agreements
(d) revenue measures generally
(e) revenue measures relating to the insular possessions
(f) bonded debt of the United States
(g) deposit of public moneys
(h) transportation of dutiable goods

—Under the Legislative Reorganization Act, duties of the committee relating to recesses and final adjournments were transferred from the committee to the Committee on Rules.

—Under the Legislative Reorganization Act, the committee was directed to report a legislative budget each year, accompanied by a concurrent resolution for its adoption, and to fix the maximum amount to be appropriated for expenditures in such year (provision now defunct).

1946–1974: The committee gained jurisdiction by precedential accruals to include customs unions, revenue relations with Puerto Rico, revenue bills relating to agricultural products generally (except oleomargarine, which remained within the jurisdiction of the Committee on Agriculture), taxes on cotton and grain futures.

1947: By unanimous consent, the Committee on Agriculture was discharged from consideration of a bill to amend the Farm Credit Act of 1933, as amended, and the Federal Farm Loan Act, as amended, to provide that after a certain date, employment by production credit associations and national farm loan associations would be covered by the old-age and survivors insurance benefit provisions of the Social Security Act. The bill was then referred to the Committee on Ways and Means.[53]

1947: By unanimous consent, the Committee on Agriculture was discharged from consideration of a bill to extend the period during which income from agricultural labor and nursing services may be disregarded by the states in making old-age assistance payments without prejudicing their rights to grants-in-aid under the Social Security Act. The bill was then referred to the Committee on Ways and Means.[54]

1947: By unanimous consent, the committee was discharged from consideration of a bill to change the order of priority for payment out of the German special deposit account (amending the Settlement of War Claims Act), and the bill was referred to the Commerce Committee.[55]

1948: By unanimous consent, the committee was discharged from consideration of a bill to amend the Federal Alcohol Administration Act to regulate commerce in distilled spirits, and the bill was referred to the Committee on Commerce.[56]

1951: By unanimous consent, a bill to amend the Civil Service Retirement Act so as to exempt annuity payments under such act from taxation was discharged from the Committee on Post Office and Civil Service and referred to the Committee on Ways and Means.[57]

1955: By unanimous consent, the committee was discharged from consideration of a private bill to provide tax relief to a charitable foundation and the contributors thereto, and the bill was referred to the Judiciary Committee.[58]

1959: By unanimous consent, the committee was discharged from consideration of a bill to provide that the States should not impose taxes in respect of income derived from certain interstate activities, and the bill was referred to the Judiciary Committee.[59] (In 1974, a bill adding a new section to the Internal Revenue Code prohibiting states from taxing individual income earned by persons not domiciled in that state or earned from sources outside that state was referred from the Judiciary Committee to the Ways and Means Committee.)

1959: Under rules in effect in the 86th Congress, the Committee on Ways and Means (not the Commerce Committee) had jurisdiction over bills amending the Federal Alcohol Administration Act.[60]

1959: A bill relating to the interstate highway program and containing a title amending the Internal Revenue Code to provide for a temporary increase in the gas tax and a transfer of certain tax receipts to the Highway Trust Fund was referred to the Committee on Public Works with the understanding that it was not to constitute a precedent with respect to the surrender of jurisdiction over the fund by the Ways and Means Committee.[61]

1959: By unanimous consent, the committee was discharged from consideration of a private bill specifying that a certain annuity fund is exempt from taxation under provisions of the Internal Revenue

Code, and the bill was rereferred to the Committee on the Judiciary.[62]

1959: By unanimous consent, the committee was discharged from consideration of a bill to amend title V of the Merchant Marine Act of 1936 to promote the maintenance of the American fishing fleet under competitive conditions and in the interest of sustained fish food supplies in case of emergency, and the bill was rereferred to the Committee on Merchant Marine and Fisheries.[63]

1964: The committee gained jurisdiction over bills providing tax incentives (including deductions from gross income under the Internal Revenue Code) for persons investing in Indian property when the Committee on Interior and Insular Affairs was discharged, by unanimous consent, from consideration of the measure, and the bill was rereferred to the Committee on Ways and Means.[64]

1969: By unanimous consent, the committee was discharged from consideration of a measure establishing a Commission on Population Growth to study population trends and their influences on government and the economy, and the measure was rereferred to the Committee on Government Operations.[65]

1969: By unanimous consent, the committee was discharged from consideration of an executive communication proposing the enactment of the Aviation Facilities Expansion Act and including extensive amendments to the Internal Revenue Code, and the measure was rereferred to the Committee on Commerce. The Commerce Committee was given jurisdiction over proposals providing for the expansion and improvement of airports and related facilities, even where such proposals include amendments to the Internal Revenue Code and the imposition of user charges on passengers and property transported by air; but the Committee on Ways and Means reserved the right to consider the tax features separately.[66]

1969: The Committee on Merchant Marine and Fisheries (not Ways and Means Committee) has jurisdiction over bills relating to the licensing of personnel on tug boats, towing boats, and freight boats.[67]

1972: By unanimous consent, the committee was discharged from consideration of proposals to assist states and localities to coordinate human services programs administered by the Department of Health, Education, and Welfare (predecessor of the Department of Health and Human Services), and the measure was rereferred to the Committee on Education and Labor.[68]

1972: By unanimous consent, the committee was discharged from consideration 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, and the measures were rereferred to the Judiciary Committee.[69]

1973: In the last Congress before the creation of the committee to study the committee system, House Rule X, clause 1(v), listed the Committee's jurisdiction as:

(a) customs, collection districts, and ports of entry
(b) national social security
(c) reciprocal trade agreements
(d) revenue measures generally
(e) revenue measures relating to the insular possessions
(f) the bonded debt of the United States
(g) the deposit of public moneys
(h) transportation of dutiable goods

1974: Select Committee on Committees (Bolling committee) was created and charged with studying, among other items, the committee system and committee jurisdictions, the first such comprehensive reorganization since the Legislative Reorganization Act of 1946, 25 years earlier. This effort resulted in the adoption of H. Res. 988.

A) The Bolling committee issued recommendations after listening to numerous witnesses at hearings and conducting several academic studies. These studies included publication of a monograph describing jurisdictional problems, conflicts, and overlaps among House committees, which listed the Ways and Means Committee as having overlaps with almost every standing committee in the House, especially the Committees on Agriculture, Appropriations, Banking, Education and Labor, Foreign Affairs, Government Operations, Interior and Insular Affairs, Commerce, Judiciary, Merchant Marine and Fisheries, Post Office and Civil Service, and Public Works.[70] The Bolling committee's recommendations included extensive jurisdictional changes for the Committee on Ways and Means, including the following:

—transferring jurisdiction over nontax aspects of health to a new Committee on Commerce and Health
—transferring jurisdiction over nontax aspects of unemployment compensation to the Committee on Labor
—transferring jurisdiction over renegotiation to the Banking Committee
—transferring jurisdiction over general revenue sharing to the Committee on Government Operations

—transferring jurisdiction over work incentive programs to the Labor Committee
—transferring jurisdiction over trade to the Foreign Affairs Committee
—transferring jurisdiction over food stamps from the Agriculture Committee to the Ways and Means Committee

B) Bolling committee reforms as adopted (after modifications made by the Caucus Committee on Organization, Study and Review, chaired by Julia Butler Hansen and called the Hansen committee) made the following changes in Ways and Means jurisdiction:

—transfer jurisdiction over export controls to the Foreign Affairs Committee (but the Ways and Means Committee would retain jurisdiction over reciprocal trade agreements)
—transfer jurisdiction over general revenue sharing to the Government Operations Committee
—transfer jurisdiction over health and health facilities not supported by payroll taxes to the Commerce Committee
—transfer jurisdiction over international commodity agreements to the Foreign Affairs Committee
—transfer jurisdiction over renegotiation to the Banking Committee
—transfer jurisdiction over work incentive programs to the Committee on Education and Labor
—jurisdiction over tax exempt foundations and charitable trusts was made explicit in Ways and Means jurisdictional list in the Rules (although the Banking Committee had been assigned this jurisdiction in 1971, the subject was usually considered by the Ways and Means Committee)

C) Ways and Means Committee jurisdictional language in House Rules after Bolling/Hansen reforms were adopted:

1) customs, collection districts, and ports of entry and delivery
2) reciprocal trade agreements
3) revenue measures generally
4) revenue measures relating to the insular possessions
5) the bonded debt of the United States
6) the deposit of public moneys
7) transportation of dutiable goods
8) tax exempt foundations and charitable trusts
9) National social security, except (A) health care and facilities programs that are supported from general revenues as opposed to payroll deductions and (B) work incentive programs [71]

H. Res. 988 also provided in House Rules that the Speaker could refer bills to more than one committee (multiple referral: including joint referral, split referral and sequential referral) if more than one committee had a jurisdictional interest or claim in the subject matter, either as defined in House Rules or accrued through precedent.[72]

1974: The committee gained jurisdiction (from the Judiciary Committee) over a bill to add a new section to the Internal Revenue Code prohibiting States or subdivisions from imposing a tax on individual income earned by persons not domiciled in that State or earned from sources outside that State.[73] (Several bills not directly amending the Internal Revenue Code which sought to regulate State taxation of interstate commerce, or to limit the taxing authority of States over out-of-state persons or sources, remain within the jurisdiction of the Judiciary Committee. (See entry under 1959 for more detail on the opposite situation.)

1975: The committee gained jurisdiction (from the Education and Labor Committee for the 94th Congress) over bills amending the Emergency Jobs and Unemployment Assistance Act of 1975 to provide extended and increased unemployment compensation.[74]

1975: By unanimous consent, the committee was discharged from consideration of a bill amending the Internal Revenue Code to provide for quarterly rather than annual payment to the government of the Virgin Islands of amounts equal to internal revenue collections made with respect to articles produced there and sent to the United States, and the bill was rereferred to the Interior and Insular Affairs Committee with the understanding that the action did not affect the jurisdiction of the Ways and Means Committee over the subject matter of the bill.[75]

1976: The committee gained jurisdiction (from the Post Office and Civil Service Committee) over bills providing unemployment compensation to individuals with military or federal service residing in Guam.[76]

1976: A bill creating a National Consumer Cooperative Bank and providing that the bank and its assets be exempt from local, state, and federal taxation, reported by the Banking Committee, was sequentially referred to the Committee on Ways and Means for consideration of provisions within the committee's jurisdiction, including section 404, which exempted the bank and its assets from taxation until the stock of the bank owned by the United States government had been fully retired.[77]

1978: The committee has joint jurisdiction (with the Judiciary Committee) over resolutions stating congressional disapproval of Treasury Department regulations, promulgated under the Gun Control Act of 1968, requiring governmental registration of firearms.[78]

1978: The committee has joint jurisdiction (with the Education and Labor Committee) over a bill amending the Employee Retirement Income Security Act of 1974 (ERISA) to permit assignments or alienations of certain rights under pension plans.[79]

1978: The committee gained jurisdiction over a bill to offset the loss in tax revenues incurred by Guam and the Virgin Islands by reason of certain federal tax reductions when the Committee on Interior and Insular Affairs was discharged by unanimous consent from consideration of the measure, which was then rereferred to the Committee on Ways and Means.[80]

1979: The committee has joint jurisdiction (with the Public Works and Transportation Committee) over a bill creating a public transportation trust fund, composed of a percentage of the funds generated by a windfall profits tax on domestic crude oil, to be available as provided in appropriations acts for expenditures for public transportation projects.[81]

1979: The committee's jurisdiction over revenue and the bonded debt was made subject to the last sentence of clause 4(g) of Rule X by P.L. 96–78. This clause allows House adoption of a congressional budget resolution, reported by the Budget Committee, to trigger procedures altering the national debt limit. The change was originally intended to apply to concurrent resolutions on the subject for fiscal years beginning on or after October 1, 1980. However, upon adoption of H.Res. 642 on April 23, 1980, this and other provisions of that public law amending the Rules of the House were made applicable to the third concurrent resolution on the budget for fiscal year 1980 as well as to the first concurrent resolution on the budget for fiscal year 1981.[82]

1980: The committee has joint jurisdiction (with the Energy and Commerce Committee and the Public Works and Transportation Committee on the basis of sequential referrals) over bills creating major oilspill and hazardous waste trust funds in the Treasury funded by assessments on all quantities of oil, petrochemical feedstocks, and other hazardous substances "sold for sale," [sic] where the scope and size of the funds and the method of fee assessment represented the collection of general revenue to fund particular Federal activities (similar to an excise tax, a type of funding mecha-

nism traditionally within the jurisdiction of the Ways and Means Committee).[83]

1981: The committee has joint jurisdiction (with the Energy and Commerce Committee) over a bill amending the Public Health Service Act with respect to health professionals personnel and amending the Internal Revenue Code to require disclosure by the Internal Revenue Service to the Secretary of Health and Human Services of the location of borrowers who have defaulted on student loans made under the act.[84]

1982: The committee gained jurisdiction over private bills waiving provisions of the Tariff Act to require reliquidation of certain imported materials as duty free.[85]

1982: The committee has joint jurisdiction (with the Energy and Commerce Committee) over executive communications reporting on inpatient hospital services under title XVIII (Medicare) and under title XIX (Medicaid) of the Social Security Act.[86]

1983: A new clause 5(b) of House Rule XXI prohibits the reporting of a tax or tariff measure from a committee not having that jurisdiction (i.e., from a committee other than the Ways and Means Committee) and prohibits a tax measure from being offered as an amendment to a bill reported from a committee not having jurisdiction over tax measures (i.e., from a committee other than the Ways and Means Committee). (See, for example, in 1985, a provision in a reconciliation bill reported from the Budget Committee containing a recommendation from the Committee on Education and Labor excluding certain interest on obligations of the Student Loan Marketing Association from the application of the Internal Revenue Code, affecting interest deductions against income taxes, which was stricken on a point of order as not being reported from the Ways and Means Committee; in 1985, a fee imposed uniformly at ports of entry to be collected by the Customs Service as a condition of importation of a commodity constitutes a tariff; in 1985, a provision in a reconciliation bill reported from the Budget Committee containing a recommendation from the Committee on Merchant Marine and Fisheries amending a law within that committee's jurisdiction to expand the tax benefits available to shipowners through a "capital construction fund" by permitting that repatriation of foreign-source income to avoid U.S. tax and expanding the definition of vessels eligible to establish such tax exempt fund, which was ruled to be within the jurisdiction of the Ways and Means Committee; and in 1985, in a bill reported from the Committee on Foreign Affairs authorizing foreign assistance programs, an amendment to the tariff

schedules to deny "most favored nation" trade treatment to a certain nation was ruled out as a tariff measure within the jurisdiction of the Ways and Means Committee).[87]

1986: The committee has joint jurisdiction (with the Public Works and Transportation Committee) over executive communications proposing draft legislation, and a corresponding bill, reauthorizing the Surface Transportation Act but also containing a revenue title raising taxes to fund surface transportation programs.[88]

NOTES TO JURISDICTIONAL HISTORY

[1] House Rule numbers cited are of the number at the time of the event.

[2] Jurisdictional items accrued through precedent set by the referral of specific measures are noted both by subject matter and by specific measure. The date cited is the first occasion of the referral which created the precedent. The citation, however, also includes information about later instances, especially confirming information.

[3] This analysis is confined to subject jurisdiction only and does not discuss the privileged reporting status the committee has for revenue measures and the changing interpretation of what those measures are and/or whether they are privileged.

[4] *Annals of Congress,* 1st Cong., 1st Sess., pp. 670–71.

[5] *Annals of Congress,* 3rd Cong., 1st Sess., 26 Mar. 1794, pp. 531–32.

[6] *Annals of Congress,* 4th Cong., 1st Sess., p. 159; House *Journal,* 4th Cong., 1st Sess., 21 Dec. 1795, p. 385.

[7] Ralph V. Harlow, *The History of Legislative Methods in the Period Before 1825* (New Haven: Yale University Press, 1917), pp. 231–32.

[8] See second and third chapters of this volume for a discussion of the creation of the committee.

[9] House *Journal,* 7th Cong., 1st Sess., 7 Jan. 1802, p. 40.

[10] Noble Cunningham, *The Process of Government under Jefferson* (Princeton: Princeton University Press, 1978), pp. 224–25.

[11] Ibid, pp. 224–25.

[12] House *Journal,* 27th Cong., 3d Sess., p. 739.

[13] See third chapter of this volume for a further discussion of the creation of a national bank.

[14] Harlow, p. 232.

[15] *Annals of Congress,* 14th Cong., 2d Sess., 5 Dec. 1816, p. 244; 13 Dec. 1816, p. 275; 11 Jan. 1817, p. 462.

[16] For a more detailed discussion of the tariff issue during this period, see third chapter of this volume; see also entry for 1824.

[17] *Annals of Congress,* 18th Cong., 1st Sess., pp. 1,587–1,629.

[18] John Sherman, *Recollections of Forty Years in the House, Senate, and Cabinet* (1895; reprint ed. New York: Greenwood Press, 1968), I:195; see also, fourth chapter of this volume.

[19] *Congressional Globe*, 38th Cong. 2d Sess., p. 1,312; A discussion on retrospective jurisdiction of both Ways and Means and Banking Committees occurred on 7 Dec. 1897, *Congressional Record*, 55th Cong., 2d Sess., pp. 26–33.

[20] Asher C. Hinds, *Hinds' Precedents of the House of Representatives*, 4: sec. 4020.

[21] *Congressional Record*, 46th Cong., 2d Sess., 25 Mar. 1880, pp, 1,869–882.

[22] *Hinds' Precedents*, 4: sec. 4022.

[23] Ibid., 4: sec. 4021.

[24] Ibid., 4: sec. 4025.

[25] Ibid., 4: sec. 4026.

[26] Ibid., 4: sec. 4028.

[27] Ibid., 4: sec. 4026.

[28] Ibid., 4: sec. 4023.

[29] Ibid., 4: sec. 4023.

[30] Ibid., 4: sec. 4024.

[31] Clarence Cannon, *Cannon's Precedents of the House of Representatives*, 7: sec. 1724.

[32] Ibid., 7: sec. 1733.

[33] Ibid., 7: sec. 1726.

[34] Ibid., 7: sec. 1727.

[35] Ibid., 7: sec. 1728.

[36] Ibid., 7: sec. 1729.

[37] Ibid., 7: sec. 1731.

[38] Ibid., 7: sec. 1732.

[39] Ibid., 7: sec. 1734.

[40] Ibid., 7: sec. 1739.

[41] Ibid., 7: sec. 1730.

[42] Ibid., 8: sec. 3350.

[43] *Congressional Record*, 66th Cong., 2d Sess., 26 Feb. 1920, p. 3,521.

[44] *Cannon's Precedents*, 7: sec. 1736.

[45] *Congressional Record*, 68th Cong., 1st Sess., 25 Mar. 1924, p. 4,954.

[46] *Cannon's Precedents*, 7: sec. 1740.

[47] Ibid., 7: sec. 1737.

[48] *Congressional Record*, 74th Cong., 1st Sess., 3 June 1935, p. 8,604.

[49] Ibid., 76th Cong., 1st Sess., 18 Jan. 1939, p. 449.

[50] Ibid., 77th Cong., 1st Sess., 25 Feb. 1941, p. 1,389.

[51] Ibid., 77th Cong., 1st Sess., 28 Nov. 1941, p. 9,248.

[52] 60 Stat. 812.

[53] Ibid., 80th Cong., 1st Sess., 18 June 1947, p. 7,262–263.

[54] Ibid., 80th Cong., 1st Sess., 4 June 1947, p. 6,344.

[55] Ibid., 80th Cong., 1st Sess., 16 July 1947, p. 9,049.

[56] Ibid., 80th Cong., 2d Sess., 18 June 1948, p. 8,918.

[57] Ibid., 82d Cong., 1st Sess., 2 Feb. 1951, p. 1,294.

[58] Ibid., 84th Cong., 1st Sess., 1 Aug. 1955, p. 12,655.

[59] Ibid., 86th Cong., 1st Sess., 18 June 1959, p. 11,317.

[60] Ibid., 86th Cong., 1st Sess., 5 Aug. 1959, p. 15,190.

[61] Ibid., 86th Cong., 1st Sess., 14 Aug. 1959, p. 15,895.

[62] Ibid., 86th Cong., 1st Sess., 1 Sept. 1959, p. 17,612.

[63] Ibid., 86th Cong. 1st Sess., 2 Feb. 1959, p. 1,606.

[64] Ibid., 88th Cong., 2d Sess., 1 Feb. 1964, p. 1,582.

[65] Ibid., 91st Cong., 1st Sess., 23 Sept. 1969, p. 26,568.

[66] Ibid., 91st Cong., 1st Sess., 18 June 1969, p. 16,301.

[67] Ibid., 91st Cong., 1st Sess., 7 Oct. 1969, p. 28,798.

[68] Ibid., 92d Cong., 2d Sess., 21 June 1972, p. 21,733.

[69] Ibid., 92d Cong., 2d Sess., 9 Feb. 1972, pp. 3,429–430.

[70] House Select Committee on Committees, *Monographs on the Committees of the House of Representatives.* Washington, DC, U.S. Govt. Print. Off. 1974. (93d Cong., 2d Sess. House Committee Print), pp. 152–54.

[71] Lewis Deschler, *Deschler's Precedents of the House of Representatives,* 4: Ch. 17, sec. 51.

[72] For more detail on multiple referrals, and their effect on specific committees, see Davidson, Roger, et al., "One Bill, Many Committees: Multiple Referrals in the U.S. House of Representatives," *Legislative Studies Quarterly,* 13 Feb. 1988, pp. 3–28.

[73] *Congressional Record,* 93d Cong., 2d Sess., 19 Aug. 1974, p. 29,006.

[74] Ibid., 94th Cong., 1st Sess., 16 Apr. 1975, p. 10,346.

[75] Ibid., 94th Cong., 1st Sess., 6 Oct. 1975, pp. 31,870–871.

[76] Ibid., 94th Cong., 2d Sess., 28 Apr. 1976, p. 11,590.

[77] Ibid., 94th Cong., 2d Sess., 31 Aug. 1976, p. 28,532; see also *Procedure in the House of Representatives,* ch. 17, sec. 38.6.

[78] *Congressional Record,* 95th Cong., 2d Sess., 15 May 1978, p. 13,560.

[79] Ibid., 95th Cong., 2d Sess., 3 Aug. 1978, p. 24,217.

[80] Ibid., 95th Cong., 2d Sess., 8 Aug. 1978, p. 24,926.

[81] Ibid., 96th Cong., 1st Sess., 26 Sept. 1979, p. 26,350.

[82] House *Rules Manual,* Rule X, clause 1(v), Parliamentarian's notes.

[83] *Congressional Record,* 96th Cong., 2d Sess., 20 May 1980, p. 11,862; House Rule X, clause 9(v), Parliamentarian's notes.

[84] *Congressional Record,* 97th Cong., 1st Sess., 11 June 1981, p. 1,216.

[85] Ibid., 97th Cong., 2d Sess., 13 July 1982, p. 16,014.

[86] House *Rules Manual,* House Rule X, clause 1(v), Parliamentarian's notes.

[87] *Procedure in the House of Representatives,* 1987 Supplement, Ch. 17, sec. 17.14.

[88] House *Rules Manual,* Rule X, clause 1(v), Parliamentarian's notes.