

# Points of Order; Parliamentary Inquiries

## A. POINTS OF ORDER

- § 1. In General; Form
- § 2. Role of the Chair
- § 3. Reserving Points of Order
- § 4. Time to Raise Points of Order
- § 5. — Against Bills and Resolutions
- § 6. — Against Amendments
- § 7. Application to Particular Questions; Grounds
- § 8. Relation to Other Business
- § 9. Debate on Points of Order; Burden of Proof
- § 10. Waiver of Points of Order
- § 11. Withdrawal of Points of Order
- § 12. Appeals

## B. PARLIAMENTARY INQUIRIES

- § 13. In General; Recognition
- § 14. Subjects of Inquiry
- § 15. Timeliness of Inquiry
- § 16. As Related to Other Business

### Research References

- 5 Hinds §§ 6863–6975
- 8 Cannon §§ 3427–3458
- Manual §§ 627, 637, 861b, 865

## A. Points of Order

### § 1. In General; Form

#### Generally

A point of order is in effect an objection that the pending matter or proceeding is in violation of a rule of the House. (Grounds for point of order, see § 7, *infra*.) Any Member (or any Delegate) may make a point of order. 6 Cannon § 240. Although there have been rare instances in which the Speaker has insisted that the point of order be reduced to writing (5

Hinds § 6865), the customary practice is for the Member to rise and address the Chair:

MEMBER: Mr. Speaker (or Mr. Chairman), I make a point of order against the [amendment, section, paragraph].

CHAIR: The Chair will hear the gentleman.

It is appropriate for the Chair to determine whether the point of order is being raised under a particular rule of the House. The objecting Member should identify the particular rule that is the basis for his point of order. 98–2, Oct. 2, 1984, p 28522.

The proper method for opposing a point of order is to seek recognition for that purpose at the proper time, not by making a point of order against the point of order. 94–1, Sept. 18, 1975, p 29333.

### Effect

Where a point of order is sustained against the *consideration* of a bill, the bill is recommitted to the reporting committee (4 Hinds § 4382) or to its place on the appropriate calendar (7 Cannon § 869). If a bill is on the wrong calendar and the Chair sustains a point of order against it for that reason, the bill is placed on the appropriate calendar. 7 Cannon § 869.

During the consideration of a bill, if a Member raises a point of order against certain language, and the Chair sustains the point of order, the language is automatically stricken from the pending proposition. 7 Cannon § 2148.

Paragraphs ruled out in Committee of the Whole on points of order are not reported to the House. 4 Hinds § 4906; 8 Cannon § 2428. Under the former practice, it was necessary to reserve points of order against appropriation bills before resolving into Committee, but this practice was eliminated in 1995 when the House adopted Rule XXI clause 8 (adopted in the 104th Congress, Jan. 4, p \_\_\_\_). Under clause 8, points of order on general appropriation bills are “considered as reserved.” *Manual* § 849a.

A point of order against any part of an amendment, if sustained, is sufficient to invalidate the entire amendment. 5 Hinds § 5784; 91–2, June 16, 1970, p 19841. A point of order may be directed against an entire section of a bill or may be precisely aimed at a subpart thereof. However, the entire section is vulnerable, and if a point of order is sustained against a portion of a pending section the entire section may be ruled out of order. 92–1, Nov. 4, 1971, pp 39281, 39286. A point of order may be sustained against an entire paragraph, although only a portion is subject to objection. 5 Hinds § 6883. The stricken paragraph’s headings and subheadings are likewise eliminated. 8 Cannon § 2353.

### **Multiple Points of Order**

It is within the discretion of the Chair as to whether he will entertain more than one point of order to a paragraph at the same time. 89–2, Mar. 29, 1966, p 7103. As a rule, the Chair will decline to decide a point of order raised against a proposition until all other points of order on the same proposition have been submitted. 8 Cannon § 2310. Indeed, the Chair may in his discretion require all points of order against a pending proposition for alleged violation of a particular House rule to be stated at the same time. This allows the Chair to rule separately on each point of order in such order as he determines. This procedure enables the Chair to save the time of the House by hearing all points of order and then sustaining any valid point of order without reaching all the others. 94–2, Sept. 28, 1976, p 33020. Thus, where several points of order are made against an amendment and the Chair sustains one of them, he need not rule on the remaining points of order as the amendment is no longer pending. 95–2, June 14, 1978, p 17647. Where the Chair entertains two points of order against a provision, he may sustain only one of them even though both points of order are conceded by the manager of the bill. 99–2, Aug. 1, 1986, p 18650.

### **Cross References**

Points of order based on particular rules or against particular propositions are considered in many other articles in this work. See for example AMENDMENTS; APPROPRIATIONS; CONSIDERATION AND DEBATE; GERMANENESS OF AMENDMENTS.

## **§ 2. Role of the Chair**

### **Generally**

In the House, under the rules, the Speaker decides “all questions of order, subject to an appeal by any Member.” Rule I clause 4. *Manual* § 624. When a Speaker pro tempore occupies the Chair he decides questions of order. When the House is in Committee of the Whole the Chairman decides independently of the Speaker. 5 Hinds §§ 6927, 6928. At the organization of a new Congress, prior to the election of a Speaker, questions of order are decided by the Clerk. *Manual* § 637. See also 1 Hinds § 64.

The Chair may examine the form of an offered amendment to determine its propriety and may rule it out of order even where no point of order is raised from the floor. 96–2, May 8, 1980, p 10421. Ordinarily, however, the Chair will rule out a proposition only when a point of order is raised, and only when he is required under the circumstances to respond to the point of order. 98–1, June 7, 1983, p 14657. It is not the duty of the Speaker

to decide any question which is not directly presented in the course of the proceedings of the House. 2 Hinds § 1314.

The Speaker may decline to rule on a point of order until he has had time for examination and study (3 Hinds § 2725; 8 Cannon §§ 2174, 2396) and on rare occasions he has submitted a question to the House itself for a decision (4 Hinds §§ 3282, 4930; 5 Hinds § 5323). In reaching a decision on a point of order, the Chair may hear argument.

Where a special rule has been adopted permitting only certain amendments to be offered to a bill during its consideration in Committee of the Whole, the Chair is guided by the explicit language of the rule, if unambiguous, rather than the intention of the Committee on Rules, in ruling on whether a specific amendment is in the permitted class. 99–2, June 18, 1986, p 14267.

The Chair may consider legislative history established during debate on an amendment in resolving any ambiguity in the amendment when ruling on a point of order against it. 95–2, June 14, 1978, p 17651.

### **Consideration of Prior Rulings; Reversals**

A decision by the Speaker or Chairman is a precedent in resolving subsequent disputes where the same point of order is again in controversy. In looking to precedents to resolve a point of order, the House is applying a doctrine familiarly known to appellate courts as *stare decisis*, under which a judge in making a decision will look to earlier cases involving the same question of law. In the same way, the House adheres to settled rulings, and will not lightly disturb those which have been established by prior decision of the Chair. 2 Hinds § 1317; 6 Cannon § 248; 1 Deschler p vi. But while the Chair will normally not disregard a decision previously made on the same facts, such precedents may be examined, distinguished and even overruled where shown to be erroneous. 4 Hinds § 4637; 8 Cannon §§ 2794, 3435; 99–2, Sept. 12, 1986, p 23178. Indeed the Chair may after further argument reverse his own ruling on a point of order (8 Cannon § 3435), where existing law not previously called to the Chair's attention would require the ruling to be reversed (98–1, June 8, 1983, p 14877).

### **§ 3. Reserving Points of Order**

#### **Generally**

A point of order against a proposition may be ruled out as untimely if it is not made until after debate on the proposition has begun. § 4, *infra*. It is therefore a common practice for a Member to reserve a point of order against an amendment and then, after debate on an amendment, either press

or withdraw the point of order. 8 Cannon § 3430; 91–1, Oct. 28, 1969, pp 31886, 31888. Reserving points of order against amendments, see AMENDMENTS.

The reservation of a point of order against an amendment is permitted at the discretion of the Chair and does not require unanimous consent. 93–2, Mar. 26, 1974, p 8264; 97–1, Oct. 14, 1981, pp 23882, 23884. A Member wishing to reserve a point of order must rise and address the Chair, and may not reserve a point of order through private agreement with the Member in charge of the bill. 5 Hinds § 6867. The reserving Member need not specify the basis of his reservation. 93–1, July 19, 1973, pp 24950, 24951. But merely reserving “the right to object” does not constitute the reservation of a point of order. 92–2, Apr. 18, 1972, p 13114.

#### **Effect of Withdrawal**

The reservation of a point of order being withdrawn, another Member may immediately renew it (86–1, July 28, 1959, p 14524), or press another point of order (87–2, Mar. 27, 1962, p 5164). Thus, where a Member reserves a point of order against an amendment and then, after debate on the amendment, withdraws the point of order, the point of order may be renewed by another Member. 91–1, Oct. 28, 1969, pp 31886, 31888. Withdrawal of points of order generally, see § 11, *infra*.

### **§ 4. Time to Raise Points of Order**

#### **Generally**

Unless otherwise provided by the House rules, a point of order against a proposition should be made when the proposition is presented for consideration, not after such consideration has begun. 5 Hinds § 6888. This rule is applied to points of order against bills and resolutions as well as points of order against various motions, such as the motion to recommit. A point of order against a motion to recommit a bill on the basis that it contains an amendment seeking to change an amendment already adopted by the House must be made after the motion is read, and comes too late after there has been debate thereon. 97–2, May 13, 1982, p 9838. A point of order against a report involving the privileges of the House is properly raised after the report is read. 89–2, Oct. 18, 1966, pp 27439–48.

Under the rules of the House, certain points of order may be raised “at any time.” For example, a point of order may be raised “at any time” under clause 5(a) Rule XXI, which prohibits the inclusion of appropriations in a bill reported by a legislative committee. *Manual* § 846a. A point of order may likewise be raised “at any time” under Rule XXI clause 5(b),

which prohibits committees from reporting tax or tariff measures if they do not have jurisdiction over such measures. *Manual* § 846b. Such a point of order may be directed against the prohibited language whether appearing in a bill or an amendment thereto, but in either case should be raised during the reading for amendment under the five-minute rule. See Deschler Ch 25 § 12.14.

#### **Effect of Intervening Debate**

A point of order against a proposition will ordinarily be ruled out as untimely if debate on the merits of the proposition has already begun. 5 Hinds §§ 6891–6901; 8 Cannon § 3440. However, the Chair will not permit brief debate to preclude a point of order made by a Member who has shown due diligence. 5 Hinds § 6906. The Chair may recognize for a point of order against language in a bill notwithstanding intervening debate where the Member raising the point of order was on his feet, seeking recognition, before debate began. 86–1, May 11, 1959, p 7905. Indeed, a Member who is on his feet seeking recognition at the proper time to make a point of order may be recognized by the Chair even though the Clerk has read past the language to which the point of order applies. 87–1, Sept. 15, 1961, p 19729; 91–2, June 4, 1970, p 18395. But the mere fact that a Member was on his feet does not entitle him to make a point of order where he has not affirmatively sought recognition at the time the language complained of was read for amendment. 91–2, Apr. 14, 1970, p 11648.

#### **Effect of Intervening Amendments**

A point of order against a proposition is untimely if it is not raised until after an amendment to the proposition has been offered. 5 Hinds §§ 6907–6911; 8 Cannon § 3443. The point of order may be precluded even by a pro forma amendment. 8 Cannon § 3445.

Points of order against a bill or portion thereof are considered by the Chair prior to recognition of Members to offer amendments. 86–1, July 28, 1959, p 14529; 93–2, June 21, 1974, pp 20591, 20592. Points of order against a paragraph of a bill are considered by the Chair before Members are recognized to offer amendments to that paragraph. 91–2, June 4, 1970, p 18395. If by unanimous consent a bill is considered read and open to amendment at any point, points of order should be stated before *any* amendments are offered. 87–2, Oct. 3, 1962, p 21883.

While the reservation of a point of order by one Member inures to all Members who may then make the point of order when entertained by the Chair, withdrawal of a reservation by one Member requires other Members to either make or continue to reserve the point of order at that point, and

a further reservation comes too late after there has been subsequent debate. 97-2, Dec. 15, 1982, p 30939.

### § 5. — Against Bills and Resolutions

Where a point of order against a measure would, if sustained, prevent its consideration, the appropriate time to make the point of order is when the measure is called up in the House or pending the motion to resolve into the Committee of the Whole (8 Cannon § 2252), whichever procedure represents initial consideration of the measure. 94-1, Sept. 10, 1975, p 28270. A Member may not insist on a point of order against the consideration of a bill where the manager of the bill withdraws the motion that the House resolve itself into the Committee of the Whole for consideration of the bill (96-1, Dec. 3, 1979, p 34385); the point of order must be made anew if and when the motion is again made to resolve into Committee for consideration of that bill. 96-1, Dec. 3, 1979, p 34385.

A point of order against a resolution is properly raised when the resolution is called up, before debate thereon. 88-2, Aug. 19, 1964, p 20212. A point of order relating to the manner in which a resolution should be considered should be made before such consideration begins. 5 Hinds § 6890. And a point of order that the text of a privileged resolution does not reflect the action of the reporting committee comes too late after there has been debate on the resolution. 91-2, Aug. 5, 1970, pp 27449-51.

### § 6. — Against Amendments

A point of order against an amendment should be raised when the amendment is offered. Where a measure is being considered in Committee of the Whole, points of order are raised during the reading for amendment. Once the amendment is agreed to and reported to the House, it is too late to raise a point of order against it, the proper time having been at the point the amendment was offered in Committee. 92-2, June 1, 1972, pp 19479, 19481, 19483. The point of order is properly made (or reserved) immediately after the reading of the amendment (89-2, Mar. 29, 1966, pp 7115, 7118; 92-1, Mar. 10, 1971, pp 5856-58; 94-1, July 8, 1975, p 21628), or following agreement to a unanimous-consent request that the amendment be considered as read (92-2, Mar. 29, 1972, pp 10749-51). And it should be disposed of before amendments to that amendment are offered. 96-1, Mar. 21, 1979, pp 5779-82. Generally, see AMENDMENTS.

### **§ 7. Application to Particular Questions; Grounds**

A point of order must ordinarily be based on an objection that the pending matter or proceeding is in violation of some rule of the House. And it is always appropriate for the Chair to ascertain or identify the particular rule being invoked. 98–2, Oct. 2, 1984, p 28522. While questions of order arising under the rules are determined by the Chair, he does not:

- Decide hypothetical questions. 6 Cannon §§ 249, 253; 101–1, Nov. 20, 1989, p \_\_\_\_.
- Determine the legal effect of propositions. 8 Cannon §§ 2280, 2841; 98–1, Mar. 16, 1983, p 5669.
- Rule on the consistency of proposed actions of the House. 2 Hinds §§ 1327–1336; 8 Cannon §§ 3237, 3458.
- Construe the constitutional powers of the House. 2 Hinds §§ 1255, 1318–1320; 8 Cannon §§ 2225, 3031, 3071, 3427.
- Rule on the propriety or expediency of a proposed course of action. 2 Hinds §§ 1275, 1337.
- Consider contingencies which may arise in the future. 7 Cannon § 1409.
- Determine the legislative effect of the adoption of an amendment. 99–2, Aug. 7, 1986, p 19675.

### **§ 8. Relation to Other Business**

When a point of order is raised against a proposition, consideration of that proposition is precluded until the point of order is disposed of. The Chair should rule on the point of order before proceeding to other questions, such as the method of voting on the pending matter. 8 Cannon § 3432. A timely point of order may be given precedence even over a parliamentary inquiry. 95–1, June 7, 1977, p 17714. An amendment may not be offered to a proposition against which a point of order is pending. 8 Cannon § 2824. And the previous question may not be demanded on a proposition until the point of order is resolved. 8 Cannon §§ 2681, 3433. Debate on the merits of the proposition is likewise precluded. 5 Hinds § 5055; 8 Cannon § 2556.

### **§ 9. Debate on Points of Order; Burden of Proof**

#### **In General; Recognition**

Recognition for debate on a point of order is extended at the discretion of the Chair. 8 Cannon §§ 3446–3448. Members seeking to be heard must address the Chair and cannot engage in “colloquies” on the point of order. 99–2, Sept. 18, 1986, p 24084. The time to be allowed for debate on a point of order is likewise within the discretion of the Chair. A Member speaking on a point of order does not control a fixed amount of time which he can



reserve or yield. 5 Hinds § 6919; 94–2, Sept. 30, 1976, p 34075; 95–2, Feb. 23, 1978, p 4451. Where a point of order is conceded by the manager of the bill, the Chair may sustain the point of order without debate or comment. 86–2, Apr. 12, 1960, p 7941.

### **Scope of Debate**

The rule that debate on questions of order must be relevant is strictly construed. 8 Cannon § 3449. Debate is limited to the question of order and may not go to the merits of the proposition being considered. 90–1, July 19, 1967, p 19412; 91–2, Nov. 25, 1970, p 38971; 94–2, June 24, 1976, p 20371.

The Chair will not entertain unanimous-consent requests to permit Members to revise and extend their remarks on points of order. 94–2, Sept. 22, 1976, p 31874.

### **Burden of Proof**

The proponents of an amendment have the burden of proof where a point of order is raised against the amendment on the ground that it is not germane (8 Cannon § 2995) or on the ground that it is unauthorized (7 Cannon § 1179). Under House practice, those upholding an item in an appropriation have the burden of showing the law authorizing it. 4 Hinds § 3597; 7 Cannon §§ 1179, 1276. See also 8 Cannon § 2387. Thus, a point of order having been raised, the burden of proving the authorization for language carried in an appropriation bill falls on the proponents and managers of the bill. Deschler Ch 26 § 9.4.

Where a point of order is raised against consideration of a bill on the ground that the report thereon does not adequately reflect all changes in existing law as required by Rule XIII clause 3—the Ramseyer rule—the proponent of the point of order has the burden of proof and must cite the specific statute that will be affected by the pending bill; in the absence of such citation the point will not be entertained. 8 Cannon § 2246.

## **§ 10. Waiver of Points of Order**

### **Generally**

A point of order may be deemed waived where it is not raised in timely fashion. And where a motion which might have been subject to objection is, in the absence of a point of order, agreed to, it represents the will of the House and governs its procedure until the House orders otherwise. 90–2, Oct. 8, 1968, pp 30212–14.

Points of order may also be waived by unanimous consent. Indeed, in one instance, by unanimous consent, the House agreed to waive all points

of order against an unspecified House amendment to be offered by a designated Member to a Senate amendment not yet passed by the Senate. 97–2, Dec. 20, 1982, p 32943.

### **By Special Rule**

Special “rules” or resolutions from the Committee on Rules providing for the consideration of a bill often contain provisions expressly waiving points of order against the bill or certain language therein. 7 Cannon § 769; 90–2, May 8, 1968, p 12220. A resolution waiving points of order against a certain provision in a bill has been agreed to by the House even after general debate on the bill has been concluded and reading for amendment has begun. 91–1, May 21, 1969, p 13246. Such waivers will not be implied merely from the fact that the special rule provides for consideration of the bill. 98–1, Mar. 22, 1983, p 6502.

A special rule may limit its waiver to a single point of order or be so drafted as to constitute a blanket waiver of all points of order. But where a resolution providing for the consideration of a bill specifies that “all points of order against said bill are hereby waived,” the waiver is applicable only to the text of the bill and not to amendments. 90–2, May 1, 1968, p 11305.

For further discussion, see SPECIAL RULES. See also CONSIDERATION AND DEBATE.

### **§ 11. Withdrawal of Points of Order**

A point of order may be withdrawn at any time before the Chair rules on the point. 8 Cannon § 3430. Once withdrawn, the point may immediately be renewed by another Member. 5 Hinds §§ 6875, 6906; 8 Cannon §§ 3429, 3430. As a rule, a point of order must be pressed when the Chair inquires whether the objecting Member wishes to insist upon it, and comes too late after that Member has stated that he does not insist on his point of order and further debate has intervened. 95–2, Aug. 2, 1978, pp 23921, 23922.

### **§ 12. Appeals**

A ruling of the Chair on a point of order may be subject to challenge through an appeal by a Member. 5 Hinds §§ 6938, 6939. Indeed, the right of appeal from decisions of the Speaker on questions of order is provided for by the House rules (Rule I clause 4). *Manual* §§ 624, 628. An appeal may also be taken from the ruling of the Chairman of the Committee of the Whole on a point of order. 95–1, June 7, 1977, p 17714; 96–1, May 16, 1979, p 11472; 98–2, June 26, 1984, p 18861.

However, a decision on a question of order is not subject to an appeal if the decision is one which falls within the discretionary authority of the Chair. Rulings on questions involving vote counts, for example, traditionally fall within this category. 94–2, June 24, 1976, p 20391. Similarly, because the Chair is exercising discretionary authority, no appeal lies from responses to parliamentary inquiries (5 Hinds § 6955; 8 Cannon § 3457), decisions on recognition (2 Hinds §§ 1425–1428; 8 Cannon §§ 2429, 2646, 2762), decisions on the dilatoriness of motions (5 Hinds § 5731), or from decisions refusing a recapitulation of a vote (8 Cannon § 3128).

An appeal from a ruling of the Chair declining to consider the question of the constitutionality of a provision is not in order, such question being a matter for the House to determine by its vote on the merits. 93–1, May 10, 1973, pp 15290, 15291.

The Speaker's refusal under Rule XV clause 6(e) to entertain a point of order of no quorum when a pending question has not been put to a vote is not subject to an appeal, since that rule contains an absolute and unambiguous prohibition against such a point of order; to allow an appeal in such a case would permit a direct change in the rule itself. 95–1, Sept. 16, 1977, p 29594.

Debate on appeals, see APPEALS.

## B. Parliamentary Inquiries

### § 13. In General; Recognition

Recognition of Members for the purpose of propounding parliamentary inquiries is within the discretion of the Chair. 6 Cannon § 541; 90–2, Sept. 11, 1968, pp 26453–56; 103–1, May 26, 1993, p \_\_\_\_\_. Inquiries concerning the parliamentary situation on the floor are properly directed to the Chair, and it is not in order for a Member to address them to the official reporters. 90–2, May 22, 1968, pp 14375 *et seq.* The Chair may delay his response to a parliamentary inquiry pending examination of relevant House precedents. 8 Cannon § 2174; 95–2, Oct. 13, 1978, p 37016. Responses to parliamentary inquiries are not subject to appeal. 5 Hinds § 6955; 8 Cannon § 3457.

The Chair may take a parliamentary inquiry under advisement (8 Cannon § 2174), especially where the inquiry does not relate to the pending proceedings of the House. 103–1, May 26, 1993, p \_\_\_\_\_.

## § 14. Subjects of Inquiry

### Generally

Parliamentary inquiries concerning the anticipated order of business may be entertained by the Chair. 90–2, Sept. 11, 1968, pp 26453–56. The status of the Clerk’s progress in reading a document is also a proper subject for a parliamentary inquiry. 90–2, Oct. 8, 1968, p 30100. And the Speaker may respond to parliamentary inquiries concerning his authority as presiding officer. 95–1, Feb. 16, 1977, pp 4503, 4504. But a Member may not, under the guise of a parliamentary inquiry, offer a motion or other proposition; he must have the floor in his own right for that purpose. 8 Cannon § 2625.

The Chair may decline to entertain an inquiry on a subject not relevant to the pending question. 92–2, June 8, 1972, p 20339; 103–1, June 10, 1993, p \_\_\_\_\_. The Chair does not respond to hypothetical questions raised under the guise of a parliamentary inquiry. 89–1, Mar. 26, 1965, p 6114; 90–1, Mar. 1, 1967, p 4997. The Chair has declined, for example, to anticipate whether language in a measure would trigger certain executive actions. 101–1, Sept. 20, 1989, p \_\_\_\_\_.

Although the Chair responds to parliamentary inquiries concerning the application of the rules and precedents to a pending or otherwise pertinent situation, he does not rule on questions not yet presented, such as the allocation of debate time on a conference report not yet filed. 103–1, Aug. 4, 1993, p \_\_\_\_\_.

### As to Amendments

The construction or meaning of an amendment is not a proper subject for a parliamentary inquiry as such matters are for the House and not the Chair to determine. 89–2, Oct. 12, 1966, p 26205; 95–2, Aug. 1, 1978, p 23625; 98–2, May 23, 1984, p 13928. And it is not a proper parliamentary inquiry to ask the Chair to characterize an amendment on which a separate vote has been demanded. 98–2, May 31, 1984, p 14677.

### As to House Orders

The Chair may, in his discretion, entertain a parliamentary inquiry to permit an explanation of a pending House order. 99–1, June 19, 1985, p 16367. But it is not a proper parliamentary inquiry to ask the Chair whether a resolution, reported from the Committee on Rules but not yet called up for consideration, would have the effect of violating the rights of Members; the Chair does not render advisory opinions. 99–2, Oct. 14, 1986, p 30862. Questions concerning informal guidelines of the Committee on Rules for advance submission of amendments for possible inclusion under a special rule

may not be raised under the guise of a parliamentary inquiry. 100–2, May 5, 1988, p 9938.

### § 15. Timeliness of Inquiry

#### Generally

The Chair may decline to respond to a parliamentary inquiry that is untimely. The Chair does not respond to a parliamentary inquiry concerning the propriety of a proposition until the proposition is offered. 90–1, June 28, 1967, p 17754.

#### Inquiries Raised During Votes

The Chair may refuse to entertain a parliamentary inquiry during a vote that is not related to the vote (90–1, June 28, 1967, p 17748), and may decline to recognize for that purpose during a roll call vote (87–1, Sept. 6, 1961, p 18256). However, the Chair at that time may in his discretion entertain an inquiry relating to the conduct of the call. 95–2, Mar. 14, 1978, p 6840. And while a parliamentary inquiry may not interrupt a division, such inquiries are entertained until the Chair asks those in favor of the proposition to rise. 89–2, Sept. 29, 1966, pp 24455–57. Similarly, the Speaker may entertain a parliamentary inquiry after the yeas and nays are ordered, but prior to the vote. 90–1, Oct. 25, 1967, pp 29933, 29942–44.

The Chair may decline to entertain a parliamentary inquiry as the cost of conducting the pending vote on the ground that the inquiry is not relevant to the pending question. 103–1, June 10, 1993, p \_\_\_\_.

### § 16. As Related to Other Business

A parliamentary inquiry may interrupt matters of high privilege, such as an impeachment proceeding. 6 Cannon § 541. However, during the reading of a bill for amendment, a parliamentary inquiry may not interrupt the reading of a paragraph or section of the bill. 8 Cannon § 2873. And a roll call may not be interrupted for a parliamentary inquiry. 8 Cannon § 3132.

The reading of the Journal may be interrupted by a parliamentary inquiry (6 Cannon § 624), and the Speaker may entertain a parliamentary inquiry relating to the order of business prior to the approval of the Journal (96–1, Feb. 28, 1979, pp 3465, 3466).

#### During Debate

A Member may not propound a parliamentary inquiry during debate unless yielded to for that purpose by the Member controlling the debate in the House. 98–1, Nov. 18, 1983, p 34055; 99–2, Oct. 1, 1986, p 27466. A

**§ 16**

## HOUSE PRACTICE

Member may not be taken from the floor by a parliamentary inquiry. 86–2, May 26, 1960, p 11267; 89–1, July 22, 1965, p 17931. He may not be interrupted by a parliamentary inquiry without his consent, and if the Member who has the floor refuses to yield and demands the regular order the Chair will not recognize another Member to propound the inquiry. 94–1, July 8, 1975, p 21628.

While time consumed by a parliamentary inquiry is charged to the Member controlling time who yields for that purpose, the Chair may exercise his discretion to recognize a Member for a parliamentary inquiry when no other Member has the floor, thus consuming no time of the Members controlling debate. 103–1, Mar. 17, 1993, p \_\_\_\_.