

## PARLIAMENTARY INQUIRY

Parliamentary inquiries are addressed to the Chair by Senators who have questions on the procedure to be followed on a particular matter, how the Senate would go about transacting a particular piece of business, what would be the rules and procedure involving the disposition of a particular matter, or any question relating to the rules or procedure of the Senate. Questions addressed to the Chair which do not involve the rules or procedure of the Senate are generally held not to be in the nature of a parliamentary inquiry. For example the Chair refrains from giving answers on legal interpretations, or what a proposed amendment provides; the Chair has no authority to give such answers.

The Chair is not required to answer a parliamentary inquiry if he does not care to. Generally speaking, however, unless such an inquiry involves a decision on a very controversial matter, the Chair obliges the Senate, and as stated on different occasions, if the inquiry involves a matter confronting the Senate for immediate action, the Chair will assist in giving an answer or rule thereon, as the case may require.

Unlike rulings of the Chair, the responses to parliamentary inquiries are not subject to an appeal to the entire Senate, and as a result such responses have often been thought of as not constituting formal precedents of the Senate; however, a response to a parliamentary inquiry, and certainly a series of uniform responses to parliamentary inquiries which address the same issue over a long period of time on which nothing to the contrary has occurred, do guide the Chair in its responses when the identical or similar parliamentary issue arises again. Therefore, it can be said that responses to parliamentary inquiries do constitute precedents of the Senate, albeit precedents of lesser weight than those arising from point of order.

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### Absence of Quorum, Out of Order:

It is not in order in the absence of a quorum to make a parliamentary inquiry.<sup>1</sup>

### Appeal From Not in Order:

See "Appeals Not in Order," pp. 147-148.

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<sup>1</sup> Oct. 14, 1949, 81-1, *Record*, p. 14505; Sept. 21, 1950, 81-2, *Record*, p. 15345.

### Chair May Decline To Respond to:

The Chair may decline to answer a parliamentary inquiry.<sup>2</sup>

The Chair may decline to respond to a theoretical question.<sup>3</sup>

When the Chair recognizes a Senator to make a parliamentary inquiry and that Senator proceeded to make a statement, the Chair stated that the Senator was not making an inquiry, and directed the Clerk to report a pending cloture motion.<sup>4</sup>

### Debate:

See "Debate," pp. 716-797.

### Definition: Matters Held Not To Be a Parliamentary Inquiry:

Inquiries as to whether a proposed amendment is inconsistent with an amendment previously adopted,<sup>5</sup> whether if a Senator favored or opposed a certain position he should vote yea or nay on an amendment,<sup>6</sup> the construction of an amendment,<sup>7</sup> or an inquiry by a Senator of the Clerk as to whether a certain Senator answered a quorum call,<sup>8</sup> are not parliamentary inquiries.

The Chair has ruled that a purported parliamentary inquiry—would a vote for a substitute be a vote against a said amendment—was in fact a rhetorical inquiry;<sup>9</sup> nor is it the duty of the Chair to undertake to interpret an amendment.<sup>10</sup>

A question which calls for a legal interpretation is not a parliamentary inquiry,<sup>11</sup> nor is an inquiry of substance.<sup>12</sup>

An inquiry by a Senator as to the procedure to be followed in connection with a matter involving a proposed

<sup>2</sup> See July 24, 1989, 101-1, *Record*, pp. S 8590-92; see also Oct. 18, 1985, 99-1, *Record*, p. 28047; and Feb. 2, 1965, 89-1, *Record*, p. 1844.

<sup>3</sup> Mar. 22, 1988, 100-2, *Record*, p. S 2772.

<sup>4</sup> Aug. 6, 1986, 99-2, *Record*, p. 19534.

<sup>5</sup> Feb. 10, 1913, 62-3, *Record*, p. 2922.

<sup>6</sup> June 22, 1956, 84-2, *Record*, p. 10850; Aug. 19, 1959, 86-1, *Record*, p. 16383.

<sup>7</sup> June 3, 1953, 83-1, *Record*, p. 5955.

<sup>8</sup> Feb. 8, 1938, 75-3, *Record*, p. 1627; see also Apr. 30, 1948, 80-2, *Record*, p. 5102.

<sup>9</sup> Apr. 27, 1953, 83-1, *Record*, pp. 3950, 3954.

<sup>10</sup> Mar. 12, 1956, 84-2, *Record*, p. 4494; Mar. 21, 1957, 85-1, *Record*, p. 4123.

<sup>11</sup> June 11, 1962, 87-2, *Record*, p. 10090; see Feb. 19, 1962, 87-2, *Record*, pp. 2418-19.

<sup>12</sup> See Feb. 19, 1965, 89-1, *Record*, p. 3280.

amendment of the Constitution is not a parliamentary inquiry.<sup>13</sup>

It is not in order for the Presiding Officer, on the question of final passage of a bill, to attempt to analyze such bill or describe its provisions.<sup>14</sup>

An inquiry of the President pro tempore as to whether or not, in the recognition of Senators, he would observe or disregard a list of names left with him by the Vice President was decided by the Senate on appeal not to be a parliamentary inquiry.<sup>15</sup>

### **House of Representatives Parliamentary Procedures:**

The Chair does not explain the parliamentary procedures of the House of Representatives.<sup>16</sup>

### **Quorum, Parliamentary Inquiry May Not Interrupt:**

See "Call of Quorum May Not Be Interrupted," pp. 1050-1051.

### **Responses Not Binding on Senate:**

Responses of the Chair to parliamentary inquiries are not subject to appeal, and therefore are not binding on the Senate.<sup>17</sup>

### **Yea and Nay Vote:**

The interruption of a yea and nay vote is not in order by the submission of parliamentary inquiries,<sup>18</sup> nor is it in order to interrupt a rollcall vote for a parliamentary inquiry after a response has been made.<sup>19</sup>

The Chair will not respond to parliamentary inquiries during a rollcall vote except to respond as to what the

<sup>13</sup> Mar. 23, 1962, 87-2, *Record*, pp. 4881-82.

<sup>14</sup> See Aug. 31, 1922, 67-2, *Record*, p. 12032.

<sup>15</sup> Mar. 4, 1917, 64-2, *Journal*, p. 230, *Record*, p. 5012.

<sup>16</sup> June 25, 1984, 98-2, *Record*, p. 18571.

<sup>17</sup> Sept. 16, 1961, 87-1, *Record*, pp. 19857-59.

<sup>18</sup> June 27, 1951, 82-1, *Record*, p. 7224; May 21, 1971, 92-1, *Record*, p. 16441; Sept. 30, 1971, 92-1, *Record*, p. 34257.

<sup>19</sup> Sept. 20, 1967, 90-1, *Record*, p. 26251; May 6, 1964, 88-2, *Record*, pp. 10200-03; June 16, 1964, 88-2, *Record*, p. 13927; Oct. 8, 1965, 89-1, *Record*, pp. 26465-66; June 1, 1966, 89-2, *Record*, p. 12007; see June 4, 1952, 82-2, *Record*, p. 6548; Aug. 17, 1965, 89-1, *Record*, p. 20665.

pending question is so that a Senator may know on what he is voting.<sup>20</sup>

### Yield for:

A parliamentary inquiry is in order only if the Senator making it has the floor or is yielded to for that purpose.<sup>21</sup>

A Senator in possession of the floor is not required to yield or may not be interrupted or taken off the floor against his will for a parliamentary inquiry;<sup>22</sup> when a Senator has the floor he need not yield to another Senator or allow the Senator to make a parliamentary inquiry;<sup>23</sup> and an appeal from a ruling by the Chair to that effect is not in order.<sup>24</sup>

Likewise, a Senator not in possession of the floor cannot make a parliamentary inquiry without the consent of the Senator in possession of the floor,<sup>25</sup> but without objection, the Senator in possession of the floor may yield for a parliamentary inquiry without losing the floor.<sup>26</sup>

Unanimous consent is required for a Senator having the floor to yield to another Senator with the understanding that he would keep his right to the floor and his speech not be terminated, for the purpose of permitting the Senator to whom he had yielded to submit a parliamentary inquiry.<sup>27</sup>

<sup>20</sup> Sept. 30, 1971, 92-1, *Record*, p. 34257.

<sup>21</sup> Feb. 23, 1985, 99-1, *Record*, p. 3279; Dec. 3, 1981, 97-1, *Record*, p. 29452.

<sup>22</sup> Mar. 21, 1972, 92-2, *Record*, p. 9317; Apr. 4, 1949, 81-1, *Record*, pp. 3781-82; July 24, 1947, 80-1, *Record*, p. 9994, 9996-97, 10000, 10007, 10128-29; Mar. 30, 1950, 81-2, *Record*, pp. 4364-65; Mar. 29, 1950, 81-2, *Record*, p. 4300; Feb. 28, 1949, 81-1, *Record*, pp. 1585-86; June 18, 1948, 80-2, *Record*, p. 8822; Feb. 22, 1923, 67-4, *Record*, p. 4254; July 27, 1914, 63-2, *Record*, p. 12793; *see also* Dec. 16, 1937, 75-2, *Record*, p. 1612; Mar. 13, 1945, 79-1, *Record*, p. 2107; June 19, 1948, 80-2, *Record*, pp. 8966-67; Oct. 13, 1949, 81-1, *Record*, pp. 14403-04.

<sup>23</sup> Sept. 25, 1986, 99-2, *Record*, p. 26137.

<sup>24</sup> Feb. 22, 1923, 67-4, *Record*, p. 4254.

<sup>25</sup> Dec. 19, 1910, 61-3, *Record*, p. 485.

<sup>26</sup> July 25, 1947, 80-1, *Record*, p. 10005; *see also* Jan. 26, 1938, 75-3, *Record*, p. 1136; June 12, 1935, 74-1, *Journal*, p. 435.

<sup>27</sup> *See* Apr. 13, 1964, 88-2, *Record*, pp. 7783-84.