

Questions of the Privileges of the House

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A *question of the privileges of the House* is a formal declaration by a Member of the House asserting that a situation has arisen that affects "the rights of the House collectively, its safety, dignity, and the integrity of its proceedings." When making the declaration, the Member submits a resolution providing detail on the situation and typically urging action of some sort.

The notion of such questions predates Congress, and House precedent states, "The tradition of Anglo-American parliamentary procedure recognizes the privileged status of questions related to the honor and security of a deliberate body and its Members."

House Rule IX recognizes such questions as highly privileged, and if offered by the majority leader or the minority leader, a question of the privileges of the House may interrupt the daily flow of business. Other Members, too, may offer such questions, but they must first give notice on the House floor. Within two legislative days of giving such notice, the Member will be recognized to offer the resolution. This means that any Member may be recognized to offer such a question and, in doing so, have a resolution read on the floor. This is an uncommon situation in a chamber where the majority party leadership characteristically sets the floor agenda.

Once a question of the privileges of the House is raised, the Speaker rules on its validity with guidance from the House Parliamentarian based on House rules and precedent. Typically, valid questions belong to the following categories: Member and staff conduct, the House's constitutional prerogatives, integrity of House proceedings, and House organization. Questions that have been ruled not to be valid are typically those that seek to amend the rules of the House, establish a special order of business, express legislative sentiment, or relate to an external issue outside of the House itself.

If the question being raised is ruled to be valid, the House may take a number of actions on the resolution. For example, the House may vote on agreeing to the resolution or instead may vote to table (i.e., dispose of the resolution adversely but without taking a direct vote on it), postpone, or refer the question either immediately or after debate occurs. A question of the privileges of the House is considered under the "hour rule," which means generally that a maximum of one hour of debate will occur on the resolution, although it is not uncommon for the House to dispose of the measure immediately, without debate, in one of the ways described above.

The manner in which such questions are ultimately disposed of varies significantly depending on whether the Member

offering the question belongs to the majority or the minority party. Of the questions offered by majority Members between the 104th and 113th Congresses (1995 and 2014), a majority (69%) of the resolutions were agreed to. On the other hand, of the questions offered by Members of the minority party, a large majority (82%) were tabled.

During this period, Members offered 140 questions of the privileges of the House, of which 102 (73%) were ruled valid and were therefore considered by the House. The minority party offered 72% of the total number of valid questions, and the proportion of questions offered by the minority remained consistent during most of the period. The number of valid questions offered each Congress varied significantly, with some Congresses considering as few as two and others considering more than 20.

During this period, there was a contrast between the types of questions raised and the types of questions ultimately agreed to by the House. The greatest number of questions raised related to conduct (39%) and to the House's constitutional prerogatives (23%). Of the resolutions agreed to by the House, however, most (78%) related to the House's constitutional prerogatives, while a relative few (9%) related to conduct.

For more information on questions of the privileges of the House, see CRS Report R44005, [*Questions of the Privileges of the House: An Analysis*](#), by Megan S. Lynch.