

Mr. GRIFFITH. Could the Speaker inform us as to what the privileged motion is.

The SPEAKER pro tempore. There is nothing pending at this time.

Mr. GRIFFITH. A further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will please state his parliamentary inquiry.

Mr. GRIFFITH. Could the Speaker inform us as to what the parliamentary privileged motion was that was previously referenced just a couple of minutes ago, that was to be taken up immediately, for which we heard no vote.

The SPEAKER pro tempore. The Speaker will inform the gentleman that the House just adopted a resolution electing Members to committee.

Mr. GRIFFITH. I appreciate the answer, Mr. Speaker. Thank you very much. That is illuminating.

A further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GRIFFITH. Can the Speaker advise me as to why the gentleman from Kentucky (Mr. GUTHRIE) was not recognized to call for the "yeas" and "nays" on the previous question related to the continuing resolution.

The SPEAKER pro tempore. We paused for a few minutes and no one addressed the Speaker for that purpose. We did not hear any request for the "yeas" and "nays."

For what purpose does the minority whip seek recognition?

Mr. SCALISE. Mr. Speaker, did the gentleman from Kentucky make a request for a recorded vote, because it is our understanding that he did make that request?

The SPEAKER pro tempore. The Chair did not hear any request for a recorded vote. We paused for a few seconds waiting for that to happen and it did not happen.

Mr. SCALISE. But if the Speaker didn't hear the gentleman make the request, but the gentleman did, in fact, make the request, then can we reconsider the vote?

The SPEAKER pro tempore. The Chair did not hear the request. There was no timely request.

Mr. SCALISE. Then a parliamentary inquiry would be: Can we make a motion to reconsider?

The SPEAKER pro tempore. As I recall, the motion to reconsider has already been laid on the table.

Mr. SCALISE. So is the Speaker saying that that motion would not be in order?

The SPEAKER pro tempore. At this point, that motion is not in order. It has been laid on the table.

Mr. YOHO. Mr. SCALISE, may I ask a question?

Mr. SCALISE. Yes.

Mr. YOHO. Does the court reporter have a record of Mr. GUTHRIE's statement? Can we have that read back, please?

The SPEAKER pro tempore. For what purpose does the gentleman seek recognition?

Mr. YOHO. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry, please.

Mr. YOHO. I would like to know if the court reporter has taken a transcript and recorded Mr. GUTHRIE's ask for a recorded vote.

The SPEAKER pro tempore. The gentleman is authorized to consult the RECORD in the regular course.

Mr. YOHO. If that RECORD shows that he did ask that and it didn't ask for a vote, is this vote null?

The SPEAKER pro tempore. The Chair has ruled on this matter, and again, I was awaiting a request for a recorded vote and did not hear one. There was no timely request.

The gentleman from North Carolina is recognized.

Mr. MEADOWS. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The appeal is not in order at this time. The Chair has already announced that votes have concluded. Members have left the floor and have returned to their offices. That request is not in order.

Mr. MEADOWS. I appeal the ruling of the Chair, again.

The SPEAKER pro tempore. There is no appeal available in these proceedings at this time.

REQUEST TO RECONSIDER THE MOTION THAT WAS LAID ON THE TABLE ON H.J. RES. 28

Mr. SCALISE. Mr. Speaker, I ask unanimous consent to reconsider the motion that was laid on the table on H.J. Res. 28.

Mr. HOYER. Mr. Speaker, I object.

The SPEAKER pro tempore. For what purpose does the gentleman from Maryland seek recognition?

Mr. HOYER. I am not sure what is going on, but I object. It is done.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. SCALISE. Mr. Speaker, I am not sure if that is a formal objection, the way it was stated. I would ask a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. SCALISE. Is there any formal motion that would be in order that would allow reconsideration of the vote on H.J. Res. 28?

The SPEAKER pro tempore. Such an outcome could be achieved by unanimous consent.

Mr. SCALISE. Well, then, Mr. Speaker, is there any procedural motion that doesn't require unanimous consent that would be in order to request the Chair to reconsider H.J. Res. 28?

The SPEAKER pro tempore. The Chair does not give advisory opinion.

Mr. SCALISE. I would yield the Chair as much time as possible to get

an answer on that parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentleman from Louisiana seek recognition?

Mr. SCALISE. I seek recognition to see if there was an answer to the parliamentary inquiry.

The SPEAKER pro tempore. Again, the gentleman can achieve this result by seeking unanimous consent from our colleagues.

Mr. SCALISE. Mr. Speaker, that recognition was sought.

The SPEAKER pro tempore. Would the gentleman repeat it, please.

REQUEST TO RECONSIDER THE VOTE ON H.J. RES. 28

Mr. SCALISE. Mr. Speaker, I ask unanimous consent to reconsider the vote by which H.J. Res. 28 was passed.

The SPEAKER pro tempore. For what purpose does the gentleman from Maryland seek recognition?

Mr. HOYER. Mr. Speaker, reserving the right to object—I understand there is a problem—and I intend to object.

We have told all our people to go home. It is not just a question of being in their offices, with all due respect. They are on their way to their planes. It is far after the time when we usually leave on a go-away day.

And I feel badly. I am going to look at the TV. I don't, frankly, think—I was sitting right here. I didn't hear or see anybody asking for a recorded vote. And, very frankly, you don't usually have to ask for a recorded vote because, when you were in the majority, it was always us that had to record the vote because we were losing. Frankly, I think that is what happened, I will be very honest with you.

But again, I would like to be able to correct this situation. But I cannot do that in good conscience because people have told me they had 1:30 planes, and they are gone. And I feel very badly about that, but that is the fact.

I don't think any games were played. I am going to look at the tape—it is on television—and see. I understand the problem that most of you were not for the resolution that passed. We didn't stop anybody from asking for a vote, nor could we have stopped anybody from asking for a vote. I was surprised that it went without a vote.

The Speaker and the Parliamentarian indicate that the proper procedure was followed, but the vote was not asked for. Therefore, I feel badly about it, because I understand the problem you are in. But I have Members who have left for the airports and they are not going to be here.

The vote, if it was reconsidered, is equally important on our side as it is on your side. I cannot expose my Members to missing that vote, nor will I. And I apologize for that. But I hope you understand that, given the situation, I cannot let my Members be subjected to missing that vote, which is a very important vote for them. And, therefore, I will have to object.

The SPEAKER pro tempore. Objection is heard.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the minority whip.

Mr. SCALISE. I appreciate the gentleman yielding, and I appreciate the fact that now there are a lot of Members who have left the Chamber.

But, at the same time, the gentleman from Kentucky did stand and ask for a recorded vote. Whether or not it was heard or not, we will, obviously, have to watch the tape. But it is an important piece of legislation that Members, I am sure, from both parties would like to be recorded on, not just to have a voice vote, which we are opposed to because it didn't reopen the government with border security, and, obviously, we are in the middle of negotiations that we are trying to resolve on that.

However, there would be a motion that, I believe, Mr. Speaker, would be in order that would resolve this for the time being while we make sure that everybody has got the opportunity to be back for the vote, and that would be to ask unanimous consent to vacate the previous vote and postpone reconsideration until we return next week.

Mr. HOYER. This is a very critical vote. The government is shut down. We think the government should not be shut down.

Mr. SCALISE. So do we.

Mr. HOYER. And the gentleman says he doesn't think we should go home. Very frankly, there is nothing we can do, because the majority leader has said he will not do anything unless the President of the United States gives him leave to do so, and the President of the United States wants to keep the government shut down.

This was not a small vote, and I will tell you, had it been on our side, you would have heard us demand a vote.

Mr. SCALISE. If the gentleman will yield, we would have heard you and allowed the vote when we were in the majority, and we did, in fact, allow all of those votes.

Mr. HOYER. We raised an objection at the proper time and we got a vote. I understand that.

I will tell you—and you know that—you look around the room, all of your Members are not here. And, like my Members, they are back on the road going to a plane. I regret that we are in this position.

Mr. SCALISE. Will the gentleman yield on that point?

Mr. HOYER. I yield to my friend.

Mr. SCALISE. Clearly, there are Members who have left. Clearly, there are Members who are here. We can compel Members to return if, in fact, it is agreed to, to have the vote now.

But if it is not agreed to, to have the vote now, we do have, within our purview, within the rules, the ability to

delay the vote until Members can come back that are not here. So for those of us who are here and want the vote, and for those who have left who would also like that vote, the majority does have it within their purview to work with us to agree by unanimous consent to vacate the previous vote and then bring it back for a vote on the House floor when everybody can come back.

And I do want to bring up that the majority leader made reference to the minority leader in terms of what we have been working with the White House on. The President has made it clear that he wants to negotiate, and the President has also made it clear what he is willing to sign and not sign.

Mr. HOYER. Reclaiming my time, we are going to have a colloquy in just a few minutes and we can go through that.

□ 1315

The problem is—and I say this honestly, and I think most Members know—if I thought you had asked for a vote and the Speaker had not recognized that vote—I was sitting right here. I was not distracted, and I was surprised that a vote was not asked for because I understand that most, if not all, of you were not for opening up the government.

The fact of the matter is that a vote was not asked for. We have now gone through business, and we put ourselves in a very difficult position. But I cannot agree to a proposition where I have told Members: No, you can go catch your plane. Some had 1:30s, and they left right at the dot of 1. I don't know whether they are going to make it.

And, you know, we are in a bad situation, but I cannot agree to a unanimous consent that is going to require our Members to come back from wherever they are. I don't know that they are on planes yet, but they are going to be on them shortly.

And both sides have that problem. I think you probably have that problem anyway. And, very frankly, I am absolutely convinced the outcome would be no different.

The problem is so many of your Members wanted to vote against the proposition—I understand that—and I would like to give them that opportunity. I am not in a position to do so, and I feel badly about that, but that is the position I made.

Mr. SCALISE. I would ask the gentleman to yield. There would be an opportunity for you to do, in fact, that, and that would be a motion to vacate the previous vote and postpone reconsideration until next week so that Members could be here and actually cast that vote in the Chamber when everybody is back. That motion is in order. If the gentleman would not object to it, we could actually achieve that.

Mr. HOYER. Reclaiming my time, Mr. Speaker, we are going to be in session next week. We are going to be back here. It was a recess week. The

reason it is not a recess week is because the government of the American people is shut down. We have tried now nine times—this was the ninth time—to open up the government.

Nobody was surprised. Everybody knew. It was debated on the floor. I spoke on it for, I think, 8 or 9 minutes myself, so there was no confusion, should not have been confusion on the floor. And I think a vote should have been demanded. It was not, and I am not in a position to agree to a unanimous consent. But I am in a position to tell you, there will be at least two or three votes next week on opening up the government.

My presumption is those of you who have voted against such motions in the past will do so again. So it will not be as if you don't have an opportunity to vote on this same proposition. It was not a complicated proposition, and I regret, Mr. Speaker, that I am not in a position to try to cure the failure, in my view, because I didn't hear it, and I was, as I say, sitting here.

And the Speaker obviously didn't hear it either. I am absolutely convinced that the judge would not have—if he had heard a request, he would have honored that request for a vote. So we are where we are.

I would urge the Members—clearly, I will stipulate to the fact that almost all of you would have voted against the motion if a vote had been taken, and you can put that in the RECORD.

Mr. Speaker, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 17 minutes p.m.), the House stood in recess.

□ 1352

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BUTTERFIELD) at 1 o'clock and 52 minutes p.m.

FAIRNESS ON BOTH SIDES OF THE AISLE

The SPEAKER pro tempore. Without objection, the gentleman from Maryland (Mr. HOYER) is recognized for 1 minute.

There was no objection.

Mr. HOYER. Mr. Speaker, from time to time, for whatever reasons, people want to vote and, either because they don't get down the aisle or they don't request a vote, they do not get the opportunity to vote on issues that they think are important to them.

From time to time, frankly, on our side we have felt that we have been shut out when the majority was in the hands of the Republicans. We would