

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