

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

want fairness. In return, we ought to extend fairness.

There are obviously many, many Members who wanted to vote on the continuing resolution which was the subject of one of the votes, but from our point of view—and having reviewed the tapes—that did not happen. That happens.

But because we want to assure Members on both sides of the aisle that their opinion can be expressed as they would wish it to be expressed—and I think Mr. SCALISE will say that. Mr. BUTTERFIELD, former judge, who is one of our fairest and best Members, I would hope we would acknowledge that he handled the matter fairly and consistent with the rules.

Given that, it will be my intention to now ask for unanimous consent to provide for the opportunity, when we return on Wednesday, so that we have all Members here—we are going to return on Tuesday. And I would say that we will return before that. We may return tomorrow if we can open up government, if we have an agreement on that. But we will return as soon as that option is available to us.

But we will return, if that does not happen, on the evening of Tuesday at 6:30, and we will then, as a result of the unanimous consent request I am about to make, vote—revote—on the issue at hand on Wednesday at the first of business.

#### VACATING VOTE ON H.J. RES. 28, FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2019

Mr. HOYER. Mr. Speaker, I ask unanimous consent to vacate proceedings by which the joint resolution (H.J. Res. 28) making further continuing appropriations for fiscal year 2019, and for other purposes, was passed, and the motion to reconsider laid upon the table, to the end that the Chair put the question on passage of H.J. Res. 28 de novo; and, further, that if a recorded vote or the yeas and nays are ordered—in other words, requested—on the question of passage of H.J. Res. 28, further proceedings may be postponed through the legislative day of January 23, 2019, as though under clause 8 of rule XX.

Again, Mr. Speaker, that will have the effect of allowing a revote on the resolution so that my Republican colleagues can reflect their view on whether that measure ought to pass or whether it ought to fail.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. SCALISE. Mr. Speaker, reserving the right to object, I first want to thank the gentleman from Maryland for working with us, and I especially want to thank the gentleman from North Carolina (Mr. BUTTERFIELD) for his fairness.

Obviously, emotions ran high as the vote was moved through without a re-

corded vote. And for our Members who want that recorded vote, maybe on both sides that want a recorded vote, I made parliamentary inquiries to the Chair. I made motions as well. Some were in order, some were out of order. But every request I made of the Speaker pro tempore to provide that direction on what was in order for motions to make, the Speaker pro tempore was incredibly fair in those deliberations.

I want to thank the gentleman from North Carolina for that fairness. I am glad I never had to go before you as a judge in those days, but I respect your friendship and your fairness, as well as the fairness to the gentleman from Maryland.

I do recall a number of occasions when we were in the majority where there were times where maybe a Member wasn't recorded on a vote. They might have just gotten in as the vote was closed and wanted to have reconsideration, and, after conversation, it is always the right thing to do to make sure that these proceedings go in accordance with the requests of the Members to be recorded, whether we win or lose.

Maybe over the weekend I will have the opportunity to whip some more votes, and we might prevail, but at least to have that opportunity to vote.

Mr. HOYER. Don't say that too strongly, lest I withdraw the unanimous consent request.

Mr. SCALISE. Mr. Speaker, I don't want to get too carried away, but I appreciate that we were able to resolve this. And, again, I know tensions got a little heated because these are important issues. We want to get a resolution to get the government back opened.

Obviously, we have some disagreement over the border security component of these negotiations, and we will keep these negotiations going forward and hopefully get a resolution as quickly as possible.

But, in the meantime, to be able to get that recorded vote on H.J. Res. 28 when we return and when all Members return, I think, is the right thing to do, and I commend the majority leader as well as the Speaker pro tempore for providing that opportunity.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HOYER. Mr. Speaker, before I end, we have just been through a very difficult week in which one of our Members was reviewed and disapproval was passed almost unanimously, I think, with just one vote opposed to it, on our side.

I must mention: I don't want any argument or we don't need to debate on this, but, unfortunately, at a height, I know, of a lot of emotion, one of our Members, a respected Member of our caucus, TONY CÁRDENAS—who is, by the way, from California—was met with a call from the other side of the aisle to return to Puerto Rico.

We ought to all be cognizant of the fact that we need to be civil to one an-

other. We need to be polite to one another, even. We can disagree very strongly and, obviously, we do on issue to issue.

But we have been sent here by 750,000, give or take, of our fellow citizens, and I respect all of you for having been selected by 750,000 people. I may disagree with them on selecting the policies that you pursue, obviously—I understand that—but I would hope that we could refrain from any implications which have any undertones of prejudice or racism or any kind of “-ism” that would diminish the character and integrity of one of our fellow Members.

The SPEAKER pro tempore. The reservation of objection is withdrawn.

Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SCALISE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1400

#### REOPEN GOVERNMENT

(Mr. CÁRDENAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CÁRDENAS. Madam Speaker, I am very proud and so blessed to have been born in the greatest Nation on Earth, the United States of America, and I am a proud, proud American citizen, a proud husband, father, son, and grandfather.

I come to you today in the midst of the longest shutdown in the history of this country. I am disgusted that the issue here isn't about protecting veterans or Americans' healthcare or education. Instead, it is about the demand for Trump's wall.

Last week, I voted to end the shutdown. The bill passed this House, and it sits in the United States Senate. Last year, the Senate unanimously passed basically the same funding bill, so what is the difference now?

President Trump has taken over the United States Senate, and now he wants to punish the American people by attacking our national security, our safety, and the lives of the men and women who serve our great country, expecting them to work without a paycheck.

Trump's shutdown is hurting the Coast Guard, that, right now, is protecting our national security. No pay for their families. They are relying on food banks to feed their families.

The Trump shutdown is literally endangering the lives of workers like