ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. MCGOVERN. 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.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. GRAYSON. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the BBC News, on October 1, 2013 in England, published the following: ''For most of the world, a government shutdown is very bad news—the result of revolution, invasion or disaster. Even in the middle of its ongoing civil war, the Syrian government has continued to pay its bills and workers' wages. That leaders of one of the most powerful nations on earth willingly provoked a crisis that suspends public services and decreases economic growth is astonishing to many.'';

Whereas the state-run Xinhua news service, on October 2, 2013 in China, published the following: ''With no political unity to redress its policy mistake, a dysfunctional Washington is now overspending the confidence in its leadership.'';

Whereas The News of Mexico, on September 25, 2013 in Mexico, published the following: ''They squabble over the inconsequential accomplishment of a 10-week funding extension. It isn't serious, but it certainly isn't funny.'';

Whereas the Australian, on October 1, 2013 in Australia, published the following: ''The irresponsible way in which Congress . . . played the politics of partisan petulance and obstruction . . . does them little credit. Neither does it say much for the budgetary processes in the world's largest economy.'';

Whereas the Frankfurter Allgemeine Zeitung, on October 2, 2013 in Germany, published the following: ''The main actors in this dispute, which brings together many factors, both ideological and political, took a huge risk and, unhindered, proceeded to validate everyone who ever accused the political establishment in Washington of being rotten to the core . . . The public is left wondering how things could have been allowed to get to this point and why there is so much poison in the system.'';

Whereas the Süddeutsche Zeitung, on October 2, 2013 in Germany, published the following: ''What has already been apparent in America for a few years now is the self-destruction of one of the world's oldest democracies. And the great tragedy here is that this work of destruction isn't being wrought by enemies of democracy, greedy lobbyists or sinister major party donors. America's democracy is being broken by the very people who are supposed to carry and preserve it . . . the politicians . . . At the moment, Washington is fighting over the budget and nobody knows if the country will still be solvent in three weeks . . . What is clear, though, is that America is already politically bankrupt.'';

Whereas the Washington Post, on September 30, 2013, quoted Justice Malala, a political commentator in South Africa as saying the following: ''They tell us, 'You guys are not being fiscally responsible' . . . And now we see that they are running their country a little like a banana republic . . . there is a lot of sniggering going on.'';

Whereas the headline of the New York Daily News, the fourth most widely circulated daily newspaper in the United States, on October 1, 2013, read: ''House of Turds'', and the bylines stated: ''D.C. cesspols shut down government'' and ''They get paid while nation suffers'';

Whereas these reports call into question the dignity of the House; and

Whereas the resulting reduction in the public's perception of the House's dignity has culminated in a 7% Congressional approval rating in the most recent Economist/YouGov poll: Now, therefore, be it

Resolved, That it is the sense of the House—

(1) without seeking to effect a change in the rules or standing orders of the House or their interpretation; and

(2) without prescribing a special order of business for the House—

that a government shutdown is a mark upon the dignity of the House and that the House would be willing to pass a ''clean'' continuing appropriations resolution to end it.

□ 1645

The SPEAKER pro tempore. Does the gentleman from Florida wish to present argument on why the resolution is privileged under rule IX to take precedence over other questions?

Mr. GRAYSON. Yes, I do

The SPEAKER pro tempore. The gentleman from Florida is recognized.

Mr. GRAYSON. Mr. Speaker, I rise today because the dignity of the House has been called into question. You have heard the text of the resolution, but I think that some points bear highlighting.

The BBC News has reported that ''leaders of one of the most powerful nations on Earth''—by the way, that is still us—''willingly provoked a crisis that suspends public services.''

A leading Chinese news service stated:

A dysfunctional Washington is now overspending the confidence in its leadership.

A German newspaper stated:

The main actors in this dispute took a huge risk and proceeded to validate everyone who ever accused the political establishment in Washington of being rotten to the core. The public is left wondering how things could have been allowed to get to this point and why there is so much poison in the system.

Another German newspaper said:

What has already been apparent in America for a few years now is the self-destruction of one of the world's oldest democracies. And the great tragedy here is that this work of destruction isn't being wrought by enemies of democracy, greedy lobbyists, or sinister major party donors. America's democracy is being broken by the very people who are supposed to carry and preserve it—the politicians. What is clear, though, is that America is already politically bankrupt.

The headline of the New York Daily News, the fourth most widely circulated daily newspaper in the United States, on the first day of the government shutdown read this way——

The SPEAKER pro tempore. The gentleman will suspend.

The Chair has heard the reading of the resolution.

Does the gentleman have an argument to present as to why it qualifies as a matter of privilege under rule IX?

Mr. GRAYSON. Yes, I do, and I was about to get to it.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GRAYSON. Thank you.

As I just indicated, the headline of the New York Daily News, the fourth most widely circulated daily newspaper in the United States, on the first day of the government shutdown read this way: ''House of Turds.''

The bylines stated: ''D.C. cess-pools shut down government,'' and ''They get paid while the Nation suffers.''

Just today, a new poll came out that demonstrated as follows:

A national poll asked the following questions:

What do you have a higher opinion of, Congress or witches? Congress, 32 percent; witches, 46 percent.

What do you have a higher opinion of, Congress or hemorrhoids? Congress, 31 percent; hemorrhoids, 53 percent.

What do you have a higher opinion of, Congress or dog poop? Congress, 40 percent; dog poop, 47 percent.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair would again ask the gentleman from Florida to address whether or not this resolution is privileged under rule IX.

Mr. GRAYSON. Yes, I am explaining why it is privileged under rule IX.

May I continue?

The SPEAKER pro tempore. The gentleman may proceed so long as the gentleman confines his remarks to whether or not the resolution is privileged under rule IX. Should the gentleman fail to continue along that path, pursuant to the Chair's guidance, the gentleman will no longer be recognized, and the Chair will be prepared to rule on the question.

The gentleman may proceed.

Mr. GRAYSON. Mr. Chairman, one of the questions before the House on this resolution is whether the dignity of the House has been offended. I am demonstrating vividly that the dignity of the House has been offended in support of this resolution.

May I continue without interruption?

The SPEAKER pro tempore. The gentleman may continue under the previous guidance issued by the Chair.

Proceed.

Mr. GRAYSON. Good.

The current polling indicates:

What do you have a higher opinion of, Americans: Congress or toenail fungus? Congress, 41 percent; toenail fungus, 44 percent.

What do you have a higher opinion of, Congress or cockroaches? Congress, 42 percent; cockroaches, 44 percent.

What do you have a higher opinion of, Congress or potholes? Congress, 36 percent; potholes, 47 percent.

And finally——

The SPEAKER pro tempore. The gentleman will suspend.

Once again, the Chair requests the gentleman from Florida to confine his remarks to whether or not the matter is privileged under rule IX. Should the gentleman proceed in any other manner, the Chair will be prepared to rule on the question.

Mr. GRAYSON. Mr. Chair, that is exactly what I have been doing. I would ask the Chair to allow me to continue without further interruption.

May I continue?

The SPEAKER pro tempore. The gentleman may proceed so long as his comments are confined to the procedural issue of whether or not the issue is privileged under rule IX.

Mr. GRAYSON. Mr. Chair, I want to repeat: one of the questions to make that determination is whether the dignity of the House has been offended.

As I indicated, there is one final point to make here before I get into further argument, which is this: the American public is now of the following opinion:

What do you have a higher opinion of, Congress or zombies? Congress, 37 percent; zombies, 43 percent.

Now, clearly, statements such as these and others cited in the resolution call into question the dignity of the House. These statements are not from a single editorial or merely one passerby. These statements are being expressed around the Nation and across the globe.

They have contributed to a Congressional approval rating plummeting to 7 percent—that is 7 percent—in the latest Economist/YouGov poll, and they must be addressed by this body.

Thankfully, rule IX of the rules of the House of Representatives provides Members a mechanism through which to address those times when the dignity of the House has been harmed and called into question. It allows for questions of privilege.

Specifically, rule IX reads as follows:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and integrity of its proceedings.

I submit to you, Mr. Chair, that these are questions squarely within the dignity of the House of Representatives.

Further, rule IX provides that:

A resolution reported as a question of the privileges of the House, shall have precedence of all other questions except motions to adjourn.

I have offered a resolution as a question of the privileges of the House, and I am here today to secure a vote on that resolution.

Mr. Speaker, you should find the obvious, which is that the dignity of the House has been called into question and that no part of the resolution that I have offered goes beyond the scope of a question of privilege—such as attempting to legislate—so that a vote must be allowed on this measure.

For the record, Mr. Speaker, the vote that should be allowed would be on the following resolution:

Resolved, That it is the sense of the House—

(1) without seeking to effect a change in the rules or standing orders of the House or their interpretation; and

(2) without prescribing a special order of business for the House—that a government shutdown is

—and this is obvious at this point—

a mark upon the dignity of the House and that the House would be willing to pass a ''clean'' continuing appropriations resolution to end it.

That is right—''a mark upon the dignity of the House and that the House would be willing to pass a 'clean' continuing appropriations resolution to end it.''

What then is a satisfactory question of privilege?

Well, from the plain text of rule IX, and from existing precedent, a satisfactory resolution must demonstrate that the dignity of the House has been called into question. It has been called into question to such a degree that I wanted to show you the cover from the Daily News, that I was prevented from doing so, because to show it to you—just to show it to you—would somehow be considered to be offensive to the dignity of this House.

And the resolved clause of the resolution may not diverge into affecting the legislative actions of this body.

I argue, Mr. Speaker, that this resolution satisfies both accounts.

I have found no precedent in the annotated House Rules and Manual or Hind's or Cannon's or Deschler's Precedents that would allow the Chair to rule against the resolution before us today. In fact, one would question whether this entire body—including the Parliamentarian—has been politicized unnecessarily if you do rule against that today.

Not once do the precedents address a resolution that outlines a litany of condemnations against Congress from media sources around the world and here at home, as opposed to responding to a single source of criticism. Not once do the precedents rule on a resolution citing Congressional approval ratings below 10 percent in conjunction with persistent reporting against the dignity of the House.

If the first hurdle to be crossed today is that the dignity of the House has to be called into question, then, Mr. Speaker, you are required to rule in favor of this resolution raising a question of the privileges of the House.

If ''dignity'' means what the dictionary says it means—''the state or quality of being worthy of honor or respect''—then surely the honor and respect of this House has been called into question.

When only 7 out of 100 Americans approve of what we do—the lowest approval rating ever—then surely our dignity has been diminished and is actively being called into question.

If we are to be called ''obstructionists'' and practicers of ''partisan petulance;'' if we are to be called an establishment that is ''rotten to the core;'' and if we are leaving Americans wondering why there is ''so much poison in the system,'' then surely our dignity as a body has been diminished.

If we are accused of ''willingly provoking crises that suspend public services and decrease economic growth,'' then surely our dignity as a body has been diminished.

If we cause international media outlets to refer to us as ''politically bankrupt'' and responsible for ''breaking America's democracy,'' then our dignity as a body, as a House, is being called into question.

□ 1700

The SPEAKER pro tempore. The gentleman will suspend. The Chair has heard enough and is prepared to rule.

Mr. GRAYSON. Well, the Chair has not heard my arguments.

The SPEAKER pro tempore. The Chair advises the gentleman from Florida that he is not recognized and that the Chair is prepared to rule on the question.

Mr. GRAYSON. Well, excuse me, but I have a point of parliamentary order.

The SPEAKER pro tempore. Hearing argument on a question of order is within the Chair's discretion. The Chair will once again advise the gentleman from Florida that the Chair is ready to rule on the question.

Mr. GRAYSON. I would remind the Chair that the Chair actually agreed to hear my argument. Having done so, the Chair needs to hear my full argument.

The SPEAKER pro tempore. The Chair is prepared to rule on the question of whether the resolution offered by the gentleman from Florida constitutes a question of the privileges of the House under rule IX.

Mr. GRAYSON. Well, I have to say, Mr. Chair, that in doing so, you, yourself, at this point——

The SPEAKER pro tempore. The gentleman is not recognized.

The resolution alleges that a lapse in appropriations impairs the dignity of the House. It further expresses a sense of the House concerning action it might take on an appropriation measure. The gentleman from Florida casts this proposal as a statement.

As the Chair ruled on recent occasions such as October 2 and October 3, 2002; March 11, 2008; and December 13, 2011—in each case consistent with a principle enunciated by Speaker Gillett in his landmark ruling of May 6, 1921—a resolution expressing a legislative sentiment ordinarily does not give rise to a question of the privileges of the House under rule IX.

The precedent of March 11, 2008, is particularly illustrative. On that occasion, a resolution alleged that legislative inaction had brought discredit upon the House, and declared that the House should consider a motion to concur in a specified Senate amendment. The Chair held that the resolution did not present a question affecting the rights of the House collectively, its safety, its dignity or the integrity of its proceedings as required under rule IX.

These precedents are annotated in sections 702 and 706 of the House Rules and Manual. The principle upon which they stand was articulated by the Chair on January 24, 1996, as follows:

> To rule that a question of the privileges of the House under rule IX may be raised by allegations of perceived discredit brought upon the House by legislative action or inaction, would permit any Member to allege an impact on the dignity of the House based upon virtually any legislative action or inaction.

The Chair would not distinguish between those precedents addressing resolutions that called for specific legislative action and a resolution that merely provided a statement about such action. Both express a legislative sentiment and are properly initiated through the introduction of a resolution via the hopper.

For these reasons, the resolution offered by the gentleman from Florida does not constitute a question of the privileges of the House under rule IX.

Mr. GRAYSON. Mr. Speaker, I ask unanimous consent to explain why the Chair is wrong and to finish my argument.

Mr. SESSIONS. Objection.

The SPEAKER pro tempore. Objection is heard.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed in the following order:

Ordering the previous question on House Resolution 373, by the yeas and nays; and

Adopting House Resolution 373, if ordered.

The first vote will be conducted as a 15 minute vote. The second vote will be conducted as a 5-minute vote.

PROVIDING FOR CONSIDERATION OF H.J. RES. 89, EXCEPTED EMPLOYEES' PAY CONTINUING APPROPRIATIONS RESOLUTION, 2014; PROVIDING FOR CONSIDERATION OF H.R. 3273, DEFICIT REDUCTION AND ECONOMIC GROWTH WORKING GROUP ACT OF 2013; AND PROVIDING FOR CONSIDERATION OF H.J. RES. 90, FEDERAL AVIATION ADMINISTRATION CONTINUING APPROPRIATIONS RESOLUTION, 2014

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 373) providing for consideration of the joint resolution (H.J. Res. 89) making appropriations for the salaries and related expenses of certain Federal employees during a lapse in funding authority for fiscal year 2014, and for other purposes; providing for consideration of the bill (H.R. 3273) to establish a bicameral working group on deficit reduction and economic growth; and providing for consideration of the joint resolution (H.J. Res. 90) making continuing appropriations for the Federal Aviation Administration for fiscal year 2014, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 226, nays 186, not voting 19, as follows:

[Roll No. 531]

YEAS—226

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Calvert
Camp
Campbell
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Marchant
Marino
Massie
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—186

Andrews
Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clarke
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Engel
Enyart
Eshoo