

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. WILSON of South Carolina. Madam 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 and the Chair's prior announcement, further proceedings on this motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 202

In the Senate of the United States, June 24, 2009.

Resolved, That a summons shall be issued which commands Samuel B. Kent to file with the Secretary of the Senate an answer to the articles of impeachment no later than July 2, 2009, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than July 7, 2009.

SEC. 5. The Secretary shall notify counsel for Samuel B. Kent of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed, the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The articles of impeachment, the answer, and the replication, if any, together with the provisions of the Constitution on impeachment, and the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, shall be printed under the direction of the Secretary as a Senate document.

SEC. 8. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 9. The Secretary shall notify the House of Representatives of this resolution.

The message also announced that the Senate has agreed to the following resolution:

S. RES. 203

In the Senate of the United States, June 24, 2009.

Resolved, That pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The majority and minority leader shall each recommend six members and a chairman and vice chairman respectively to the Presiding Officer for appointment to the committee.

SEC. 3. The committee shall be deemed to be a standing committee of the Senate for the purpose of reporting to the Senate resolutions for the criminal or civil enforcement of the committee's subpoenas or orders, and for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. During proceedings conducted under Rule XI the chairman of the committee is authorized to waive the requirement under the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials that questions by a Senator to a witness, a manager, or counsel shall be reduced to writing and put by the Presiding Officer.

SEC. 5. In addition to a certified copy of the transcript of the proceedings and testimony had and given before it, the committee is authorized to report to the Senate a statement of facts that are uncontested and a summary, with appropriate references to the record, of evidence that the parties have introduced on contested issues of fact.

SEC. 6. The actual and necessary expenses of the committee, including the employment of staff at an annual rate of pay, and the employment of consultants with prior approval of the Committee on Rules and Administration at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee, except that no voucher shall be required to pay the salary of any employee who is compensated at an annual rate of pay.

SEC. 7. The Committee appointed pursuant to section one of this resolution shall terminate no later than 45 days after the pronouncement of judgment by the Senate on the articles of impeachment.

SEC. 8. The Secretary shall notify the House of Representatives and counsel for Judge Samuel B. Kent of this resolution.

MOTION TO ADJOURN

Mr. WILSON of South Carolina. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

Mr. WILSON of South Carolina. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 26, nays 361, not voting 46, as follows:

[Roll No. 426]

YEAS—26

Bartlett	Gordon (TN)	Sensenbrenner
Boehner	Hastings (WA)	Simpson
Bright	Hensarling	Souder
Carter	Hinchee	Thompson (PA)
Chaffetz	Johnson (IL)	Tiahrt
Clay	Johnson, Sam	Whitfield
Coffman (CO)	King (IA)	Wilson (SC)
Garrett (NJ)	Kingston	Young (AK)
Gohmert	Pitts	

NAYS—361

Abercrombie	Davis (KY)	Kildee
Ackerman	Davis (TN)	Kilpatrick (MI)
Aderholt	Deal (GA)	Kilroy
Adler (NJ)	DeFazio	Kind
Akin	DeGette	King (NY)
Alexander	Delahunt	Kirk
Altmire	DeLauro	Kirkpatrick (AZ)
Andrews	Dent	Kissell
Arcuri	Diaz-Balart, L.	Klein (FL)
Austria	Diaz-Balart, M.	Kline (MN)
Baca	Dicks	Kosmas
Bachmann	Doggett	Kratovil
Baird	Donnelly (IN)	Kucinich
Baldwin	Dreier	Lamborn
Barrett (SC)	Driehaus	Lance
Barrow	Duncan	Langevin
Barton (TX)	Edwards (MD)	Larsen (WA)
Bean	Edwards (TX)	Larson (CT)
Becerra	Ehlers	Latham
Berkley	Ellison	LaTourette
Berman	Ellsworth	Latta
Biggert	Emerson	Lee (CA)
Bilbray	Eshoo	Lee (NY)
Billirakis	Etheridge	Levin
Bishop (GA)	Fallin	Lewis (CA)
Bishop (NY)	Farr	Linder
Bishop (UT)	Fattah	Lipinski
Blackburn	Filner	LoBiondo
Blumenauer	Flake	Loeb sack
Blunt	Forbes	Lofgren, Zoe
Bocchieri	Fortenberry	Lowey
Bonner	Foster	Lucas
Bono Mack	Foxo	Luetkemeyer
Boozman	Franks (AZ)	Lujan
Boren	Frelinghuysen	Lummis
Boswell	Fudge	Lungren, Daniel
Boucher	Gallegly	E.
Boustany	Gerlach	Lynch
Boyd	Giffords	Mack
Brady (PA)	Gonzalez	Maffei
Brady (TX)	Goodlatte	Maloney
Bralley (IA)	Granger	Manzullo
Broun (GA)	Graves	Marchant
Brown (SC)	Grayson	Markey (CO)
Brown, Corrine	Green, Al	Markey (MA)
Brown-Waite,	Green, Gene	Marshall
Ginny	Griffith	Massa
Buchanan	Grijalva	Matsui
Burgess	Guthrie	McCarthy (CA)
Burton (IN)	Gutierrez	McCarthy (NY)
Butterfield	Hall (NY)	McCaul
Buyer	Hall (TX)	McClintock
Calvert	Hare	McCormack
Camp	Harman	McDermott
Cantor	Harper	McGovern
Capito	Hastings (FL)	McHugh
Capps	Heinrich	McIntyre
Cardoza	Heller	McKeon
Carnahan	Herger	McMahon
Carney	Herse th Sandlin	McMorris
Carson (IN)	Hill	Rodgers
Cassidy	Himes	McNerney
Castle	Hinojosa	Meek (FL)
Castor (FL)	Hirono	Melancon
Chandler	Hodes	Mica
Childers	Hoekstra	Michaud
Clarke	Holden	Miller (FL)
Cleaver	Holt	Miller (MI)
Clyburn	Honda	Miller (NC)
Coble	Hunter	Miller, Gary
Cohen	Ingli s	Miller, George
Conaway	Inslee	Minnick
Connolly (VA)	Israel	Mitchell
Cooper	Issa	Mollohan
Costa	Jackson (IL)	Moore (KS)
Costello	Jackson-Lee	Moore (WI)
Courtney	(TX)	Moran (KS)
Crenshaw	Jenkins	Murphy (CT)
Crowley	Johnson (GA)	Murphy (NY)
Cuellar	Johnson, E. B.	Murphy, Patrick
Culberson	Jones	Murtha
Cummings	Jordan (OH)	Myrick
Dahlkemper	Kagen	Nadler (NY)
Davis (AL)	Kanjorski	Napolitano
Davis (CA)	Kaptur	Neal (MA)

Neugebauer	Rooney	Stearns
Nunes	Ros-Lehtinen	Sutton
Nye	Roskam	Tanner
Oberstar	Rothman (NJ)	Tauscher
Obey	Roybal-Allard	Taylor
Olson	Royce	Teague
Olver	Ruppersberger	Terry
Ortiz	Ryan (OH)	Thompson (CA)
Pallone	Ryan (WI)	Thompson (MS)
Pascarell	Salazar	Thornberry
Pastor (AZ)	Sanchez, Loretta	Tiberi
Paulsen	Sarbanes	Titus
Payne	Scalise	Tonko
Perlmutter	Schakowsky	Towns
Perriello	Schauer	Tsongas
Peters	Schiff	Upton
Peterson	Schmidt	Velázquez
Petri	Schock	Visclosky
Pingree (ME)	Scott (GA)	Walden
Platts	Scott (VA)	Walz
Poe (TX)	Serrano	Wamp
Polis (CO)	Sestak	Wasserman
Pomeroy	Shadegg	Schultz
Price (NC)	Sherman	Waters
Putnam	Shimkus	Watt
Quigley	Shuler	Waxman
Radanovich	Shuster	Weiner
Rahall	Sires	Welch
Rehberg	Skelton	Westmoreland
Reichert	Slaughter	Wexler
Reyes	Smith (NE)	Wilson (OH)
Richardson	Smith (NJ)	Wittman
Rodriguez	Smith (TX)	Wolf
Roe (TN)	Smith (WA)	Woolsey
Rogers (KY)	Snyder	Wu
Rogers (MI)	Space	Yarmuth
Rohrabacher	Spratt	Young (FL)

NOT VOTING—46

Bachus	Hoyer	Rush
Berry	Kennedy	Sánchez, Linda
Campbell	Lewis (GA)	T.
Cao	Matheson	Schrader
Capuano	McCotter	Schwartz
Cole	McHenry	Sessions
Conyers	Meeks (NY)	Shea-Porter
Davis (IL)	Moran (VA)	Speier
Dingell	Murphy, Tim	Stark
Doyle	Paul	Stupak
Engel	Pence	Sullivan
Fleming	Posey	Tierney
Frank (MA)	Price (GA)	Turner
Gingrey (GA)	Rangel	Turner
Halvorson	Rogers (AL)	Van Hollen
Higgins	Ross	Watson

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Mr. RYAN of Wisconsin, Mrs. McMORRIS RODGERS, Messrs. GARY G. MILLER of California, BROUN of Georgia, Mrs. KIRKPATRICK of Arizona, Ms. HARMAN, Mrs. BLACKBURN, Messrs. INSLEE, BISHOP of Utah, RADANOVICH, McHUGH, Mrs. SCHMIDT, Mrs. BACHMANN, Messrs. NEUGEBAUER, LAMBORN, BURTON of Indiana, and SCHOCK changed their vote from “yea” to “nay.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. POSEY. Madam Speaker, on rollcall No. 426, I was unavoidably detained while questioning a witness in committee. Had I been present, I would have voted “nay.”

PROVIDING FOR CONSIDERATION OF H.R. 2892, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

Mr. PERLMUTTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 573 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 573

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 or 5 of rule XXI are waived. Notwithstanding clause 11 of rule XVIII, except as provided in section 2, no amendment shall be in order except: (1) the amendment printed in part A of the report of the Committee on Rules accompanying this resolution; (2) the amendments printed in part B of the report of the Committee on Rules; (3) not to exceed four of the amendments printed in part C of the report of the Committee on Rules if offered by Representative Flake of Arizona or his designee; and (4) not to exceed one of the amendments printed in part D of the report of the Committee on Rules if offered by Representative Campbell of California or his designee. Each such amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI and except that an amendment printed in part B, C, or D of the report of the Committee on Rules may be offered only at the appropriate point in the reading. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. In case of sundry amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without intervening demand for division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent.

SEC. 3. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 4. During consideration of H.R. 2892, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

MOTION TO ADJOURN

Mr. TIBERI. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 25, nays 366, not voting 42, as follows:

[Roll No. 427]

YEAS—25

Bartlett	Gingrey (GA)	Sensenbrenner
Barton (TX)	Gohmert	Sessions
Bright	Hastings (WA)	Shadegg
Carter	Hensarling	Souder
Chaffetz	Holt	Tiahrt
Clay	Johnson (IL)	Tiberi
Coffman (CO)	Johnson, Sam	Young (AK)
Connolly (VA)	King (IA)	
Garrett (NJ)	Kingston	

NAYS—366

Abercrombie	Costa	Herger
Ackerman	Costello	Herseth Sandlin
Aderholt	Courtney	Higgins
Adler (NJ)	Crenshaw	Himes
Akin	Crowley	Hinchee
Alexander	Cuellar	Hirono
Altmire	Culberson	Hodes
Andrews	Cummings	Hoeksstra
Arcuri	Dahlkemper	Holden
Austria	Davis (AL)	Honda
Baca	Davis (CA)	Hoyer
Bachmann	Davis (IL)	Hunter
Bachus	Davis (KY)	Inglis
Baldwin	Davis (TN)	Inslee
Barrett (SC)	Deal (GA)	Israel
Barrow	DeFazio	Issa
Bean	DeGette	Jackson (IL)
Becerra	Delahunt	Jackson-Lee
Berkley	DeLauro	(TX)
Berman	Dent	Jenkins
Berry	Diaz-Balart, L.	Johnson (GA)
Biggert	Diaz-Balart, M.	Johnson, E. B.
Bilirakis	Dicks	Jones
Bishop (GA)	Doggett	Jordan (OH)
Bishop (NY)	Donnelly (IN)	Kanjorski
Bishop (UT)	Dreier	Kaptur
Blackburn	Driebeaus	Kildee
Blumenauer	Duncan	Kilpatrick (MI)
Blunt	Edwards (MD)	Kilroy
Bocchieri	Edwards (TX)	Kind
Bonner	Ehlers	King (NY)
Bono Mack	Ellison	Kirk
Boozman	Ellsworth	Kirkpatrick (AZ)
Boren	Emerson	Kissell
Boswell	Engel	Klein (FL)
Boucher	Eshoo	Kline (MN)
Boustany	Etheridge	Kosmas
Brady (PA)	Fallin	Kratovil
Brady (TX)	Farr	Kucinich
Broun (GA)	Fattah	Lamborn
Brown (SC)	Filner	Lance
Brown, Corrine	Flake	Langevin
Brown-Waite,	Forbes	Larsen (WA)
Ginny	Fortenberry	Larson (CT)
Burgess	Foster	Latham
Burton (IN)	Fox	LaTourette
Butterfield	Frank (MA)	Latta
Buyer	Franks (AZ)	Lee (CA)
Calvert	Frelinghuysen	Lee (NY)
Camp	Fudge	Levin
Cantor	Galleghy	Lewis (CA)
Capito	Gerlach	Linder
Capps	Giffords	Lipinski
Capuano	Gonzalez	LoBiondo
Cardoza	Goodlatte	Loeb sack
Carnahan	Gordon (TN)	Loftgren, Zoe
Carney	Granger	Lowe y
Carson (IN)	Graves	Lucas
Cassidy	Grayson	Luetkemeyer
Castle	Green, Al	Lujan
Castor (FL)	Green, Gene	Lummis
Chandler	Griffith	Lungren, Daniel
Childers	Guthrie	E.
Clarke	Hall (TX)	Lynch
Cleaver	Halvorson	Mack
Clyburn	Hare	Maffei
Coble	Harman	Maloney
Cohen	Harper	Marchant
Cole	Hastings (FL)	Markey (CO)
Conaway	Heinrich	Markey (MA)
Cooper	Heller	Marshall