

# CONCERNS REGARDING THE NEW NUCLEAR POSTURE REVIEW

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

Mr. BLUMENAUER. Mr. Speaker, with all that is going on in Washington, D.C., these days, it is really hard to keep up with some things that are amazingly consequential. One item that is flying below the radar screen is the new Nuclear Posture Review from the Trump administration. They are talking about expanding our nuclear arsenal, embarking us on a path of spending \$1.2 trillion.

Not only do we have more than we need already that we can't afford to use and pay for; we are talking about other elements here that are disturbing: developing new destabilizing nuclear weapons; being able to use nuclear weapons in nonnuclear situations, for example, responding to cyber attacks when you might not even know who did it.

We still have all these land based ballistic missiles in silos on hair-trigger alert. We just saw the vulnerability there in Hawaii with the recent mistaken threat of an attack send a whole state into panic.

We need to take a hard look at how to do this right before it is too late.

# HONORING THE LIFE OF VIETNAM HERO THOMAS COREY

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

Mr. MAST. Mr. Speaker, I dedicate my time today to a man whom I am honored to represent in Congress. His name is Mr. Thomas Corey, a decorated Vietnam hero who proudly served our country as a combat infantryman.

During the 1968 Tet Offensive, he received an enemy round in the neck that struck his spinal cord, leaving him paralyzed, a quadriplegic for life. But with true American grit, that did not stop him from dedicating his life and his work to our veterans and to our country. He was a tireless patient advocate, working on medical research and family support for disabled veterans.

Mr. Corey returned to Vietnam 16 times, promoting reconciliation for individual veterans, accounting for those missing in action, and to study the health effects of Agent Orange. For these extraordinary efforts, he was nominated for the Nobel Peace Prize. He was also the first recipient of the Vietnam Veterans of America Commendation Medal, their highest award for service.

Mr. Corey, your Nation is grateful to you. I am grateful for you. America is proud and blessed to have men like you who never stop fighting for this country on and off the battlefield. And, Mr. Corey, I salute you.

# RECOGNIZING THE AFRICAN AMERICAN MUSEUM OF BUCKS COUNTY, PENNSYLVANIA

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

Mr. FITZPATRICK. Mr. Speaker, February is African American History Month, and I rise today to recognize the African American Museum of Bucks County, Pennsylvania, in my district, for the work that they do in our community.

With the mission of promoting an understanding and appreciation for the African-American experience by focusing on history, education, inspiration, and building up the community, they are already having a huge impact.

I had the opportunity to meet with many of the women and men who are responsible for the museum when they came down to Washington, D.C., in December, and I would like to recognize them now:

President Linda Salley; Vice President Bill Reed; Secretary Nancy Bell; Correspondence Secretary Robyn Johnson; Treasurer Nicole Brown; Assistant Treasurer Alonzo Salley; and the founders: Harvey Spencer, Sr.; Millard Mitchel; Natalie Kaye; Merian Frieberg; Carole Johnson; Mechelle Connors; and Deal Wright.

Mr. Speaker, the mission of the African American Museum of Bucks County is an extremely important one. I commend all those involved, and I wish them continued success and continued growth.

I encourage everyone in our community to get involved and to support this outstanding organization.

# PROVIDING FOR CONSIDERATION OF H.R. 772, COMMON SENSE NUTRITION DISCLOSURE ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 1153, MORTGAGE CHOICE ACT OF 2017; PROVIDING FOR CONSIDERATION OF H.R. 4771, SMALL BANK HOLDING COMPANY RELIEF ACT OF 2018; AND FOR OTHER PURPOSES

Mr. BUCK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 725 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 725

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 772) to amend the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants and similar retail food establishments, and to amend the authority to bring proceedings under section 403A. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are

waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1153) to amend the Truth in Lending Act to improve upon the definitions provided for points and fees in connection with a mortgage transaction. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit.

SEC. 3. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4771) to raise the consolidated assets threshold under the small bank holding company policy statement, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-57 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions.

SEC. 4. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of February 9, 2018.

SEC. 5. It shall be in order at any time on the legislative day of February 8, 2018, or February 9, 2018, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. BUCK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

□ 1015

GENERAL LEAVE

Mr. BUCK. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. BUCK. Mr. Speaker, I rise today in support of the rule and the underlying legislation. This rule makes in order two bills reported favorably by the Committee on Financial Services and one bill reported favorably by the Committee on Energy and Commerce. I just want to take a moment at the beginning to point out that there are no amendments made in order by this rule because there were no amendments offered to any of these bills.

Both of the Financial Services bills were the subject of hearings in the committee last year. Both bills were reported out of committee with bipartisan support of 75 percent or more of the committee members.

The Energy and Commerce bill was reported favorably by the committee with a large bipartisan vote of 39–14.

The rule also provides us with the necessary tools to ensure that we can bring government funding measures to the floor quickly to prevent a government shutdown.

Mr. Speaker, we have three bills before us today. Each of these bills deals with one underlying problem: Washington overregulation. That is it. These are not bills protecting Americans from some foreign hostile force. These are bills protecting Americans from the overreach of their own government.

It is a sad time in which we find ourselves when we must dedicate legislative effort to undoing the harmful effects of the American government on the American people.

Mr. Speaker, in 2013, the CFPB issued its rule commonly referred to as the qualified mortgage rule, or the QM rule. The QM rule requires creditors to make a good faith effort to determine a customer's ability to repay a loan if the loan is secured by a home. However, the rule creates a legal safe harbor from liability under the rule for qualified mortgages.

One aspect of a qualified mortgage is that it cannot have total points and fees exceeding 3 percent of the total loan amount if the loan amount is at least \$100,000. However, some fees may be excluded from the points and fees cap if they are reasonable and the lender or any affiliate of the lender receives no compensation from the service.

This all sounds well and good. We certainly don't want predatory lending institutions referring business to themselves just to pad their bottom line at the expense of unsuspecting borrowers.

But this is a great example of how massive, one-size-fits-all Washington regulation often ends up hurting Americans. The result of the points and fees cap within the QM rule has been to place low- and moderate-income borrowers in a position where they end up spending more money to secure a loan.

Mr. Speaker, my home State of Colorado has been experiencing explosive population growth over the past decade and longer. Between 2009 and 2016, we

added a net increase of more than 600,000 people. But home prices also increased significantly over that time, more than 57 percent.

In 2016, according to The Denver Post, we had the lowest growth we have experienced in many years at only a 30,000-person net increase. In part, the slowing growth rate has to do with rising housing costs. This is why it is vitally important that many first-time homeowners and others have access to affordable loans. Government regulation should not be a part of driving up housing costs.

Why does this happen? Why does a Federal regulation result in hurting the very people it is intended to help?

It is simple: Washington regulators cannot take into account the unique circumstances of each individual American. This is a crucial difference between the common sense of Americans across this land and the self-importance of some here in D.C.

Many in D.C. believe firmly that the Federal Government is able to protect every American from every bad experience. They express enormous faith in so-called experts who believe they can effectively govern from afar the lives of Americans.

I reject this notion. I reject the belief that a class of enlightened experts and bureaucrats in Washington can better run the lives of individuals. That philosophy deprives Americans of the freedom to make their own choices. When Washington's power expands, individual liberty retreats. So we have to have bills like the ones before us today.

The Dodd-Frank financial regulatory bill required the CFPB to issue the QM rule. The QM rule was supposed to help low- to moderate-income borrowers save money, but, instead, the QM rule created a situation where low- and moderate-income borrowers cannot take advantage of discounted services offered by their lender.

The rule forces these borrowers to secure these services from third parties which almost always charge more than the lenders would charge for the same services. The negative impact of this rule is so abundantly clear that half of the committee's Democrats voted with all of the Republicans in support of fixing this provision of Dodd-Frank.

Passing this bill will not magically cause housing in Colorado to become more affordable, but it will eliminate an unnecessary regulation that needlessly drives up borrowing costs.

Mr. Speaker, in addition to rolling back Dodd-Frank regulations, the second Financial Services bill that we have before us today protects the ability of small banks to issue debt and raise capital.

The Federal Reserve generally discourages bank holding companies from using debt to finance acquisitions, particularly the purchasing of banks. However, the Federal Reserve carved out certain small bank holding companies.

In order to be considered a small bank holding company, these compa-

nies had an asset cap of \$150 million. By 2015, the cap had been increased to \$1 billion. The bill before us today increases the cap to \$3 billion.

As we have heard last night during testimony at the Rules Committee, there is no science or data behind the level of the cap. Think about that for a second. The government has established a cap that has a negative impact on our community banks, and the cap has no basis in anything, not science, not data, not historical financial patterns, nothing. The cap is simply a whim of Washington.

Mr. Speaker, this is absurd. It is time we allow our community banks to have an avenue to continue being locally owned and based in our communities rather than being bought out by Wall Street.

Today we have two Financial Services bills before us that reduce regulations and allow Coloradans and all Americans greater freedom in the choice of banking services. I urge support of these two bills.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Colorado (Mr. BUCK) for yielding me the customary 30 minutes for debate.

I rise today to debate this rule, the Common Sense Nutrition Disclosure Act, the Mortgage Choice Act of 2017, and the Small Bank Holding Company Relief Act of 2018.

H.R. 772 would amend the labeling requirements for nutrition information displayed by restaurants and other retail food establishments. This measure would unnecessarily complicate and further delay the implementation of nutrition labeling requirements established by the Affordable Care Act.

In what can only be described as a rather astounding attempt to avoid good sense, this bill will make calorie and nutrition information less accessible and less useful to consumers at a time when we are spending \$147 billion annually on healthcare measures related to chronic illnesses that are directly tied to obesity. Consumers need more access to this information, not less.

The second measure, H.R. 1153, the Mortgage Choice Act of 2017, would introduce some of the high fees that borrowers faced leading up to the 2008 mortgage and financial crisis. This bill would roll back important home-buyer protection reforms, taking us back to the days when the true cost of a loan could be obscured in mortgage documents to the detriment of home buyers everywhere.

The third measure, the Small Bank Holding Company Relief Act of 2018, would direct the Federal Reserve Board to triple the Small Bank Holding Company Policy Statement from \$1 billion to \$3 billion, allowing even larger banking institutions to use greater amounts of debt to finance acquisitions, seemingly ignoring the lessons

from the previous financial disaster that we continue to climb out of to this very day.

Indeed, these Financial Services bills would weaken and politicize the policies created after the financial crisis to identify and guard against systemic risk in our financial system; and will allow even larger bank holding companies to leverage themselves with debt when financing the purchase of other banks.

Reviewing this legislation, I had to ask myself: Are the memories of my Republican colleagues really so short that they do not remember the complete breakdown of our financial system only a few short years ago?

Let me remind my friends across the aisle that the financial crisis of 2008 was the worst economic downturn America has faced since the Great Depression. Four million homes went through foreclosure and 9 million Americans lost their jobs.

Yet, instead of supporting efforts to ensure a financial collapse of such magnitude does not happen again, the majority has, instead, chosen to weaken the very protections put in place to prevent it.

With this in mind, we are left with two questions of equal importance: On the one hand, why are the Republicans so set on weakening much-needed and proven economic protections and making it harder for people to knowingly buy healthy food? And, secondly, why are they doing so now?

Mr. Speaker, the government runs out of funding this Thursday at midnight. We, once again, are forced to stare down the very real possibility of another shutdown because the Republican leadership either cannot or will not govern in a mature and reliable manner. Instead, our country is forced to lurch from continuing resolution to continuing resolution for no discernible reason. I think we are coming up on continuing resolution number 5.

Rather than taking the time to address their ever-present inability to govern responsibly, we are here today to debate evidence of that very inability, namely, the three bills we will be asked to vote on shortly.

It strikes me as odd, and is certainly frustrating, that I must, once again, remind the majority that we have yet to pass a budget agreement that provides an equal increase to both defense and nondefense spending.

Caveat right there. Later today, when we take up the CR, it is likely going to be said by a lot of people that our primary responsibility is to provide for the defense of this Nation, and I agree 100 percent. But that does not ignore the secondary responsibility of promoting the general welfare, and there are a variety of measures that are unattended and need to be attended. I might add, military people, veterans, and others find themselves in need of those particular services that are unattended as well.

We have yet to enact disaster aid so that our fellow Americans in Florida,

Texas, Puerto Rico, the Virgin Islands, California, and southwest Louisiana can recover from the devastating hurricanes and wildfires.

□ 1030

We have yet to provide funding, and we will be talking about that a little bit later in our previous question request. We haven't provided funding for what we all know is the urgent opioid crisis. We have yet to protect hard-working Americans' pensions, and we have yet to see a serious proposal from Republican leadership to protect DREAMers and those whose temporary protected status will soon run out.

Mr. Speaker, I reserve the balance of my time.

Mr. BUCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to point out to my friend from Florida that we were both here on the floor as the House of Representatives passed all 12 appropriations bills in early September.

As we look across to the other side of the Capitol, not much work has been done on those appropriations bills since they left the House and traveled to the Senate.

The answer to the continuing problem that we have with continuing resolutions is to find Members of the Senate who are willing to work as hard as the House has and pass appropriations bills and fund the government.

Unfortunately, that doesn't seem to be happening right now, and I hope we do pass a continuing resolution, I hope we do fund the military, and I hope we give some more stability to this government.

But the finger pointing in this case I don't think is warranted in the House.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Utah (Mrs. LOVE).

Mrs. LOVE. Mr. Speaker, I rise in support of the rule and in support of the underlying bills: H.R. 772, the Common Sense Nutrition Disclosure Act of 2017; H.R. 1153, the Mortgage Choice Act of 2017; and my bill, H.R. 4771, the Small Bank Holding Company Relief Act of 2018.

Both H.R. 1153 and H.R. 4771 have received strong bipartisan support in the Financial Services Committee, and I urge my colleagues to support this rule.

The goal of H.R. 4771 is one that I have been pushing for the past few years to help our small banks thrive and serve their communities. Since that is a shared goal on both sides of the aisle, I am grateful that Mr. GOTTHEIMER and Mr. MEEKS joined me in cosponsoring this bill.

The Small Bank Holding Company Relief Act of 2018 is a very simple bill that helps small banks and savings and loan companies get the access to capital they need to serve the financial needs of small businesses and individuals in their communities.

This bill would simply raise the consolidated asset threshold under the Federal Reserve's Small Bank Holding

Company Policy Statement from \$1 billion to \$3 billion in assets.

Raising the asset threshold means that hundreds of additional small banks and thrift holding companies around the country will qualify for coverage under the policy statement and, therefore, be exempt from certain regulatory and capital guidelines.

These exemptions make it easier for these small holding companies to raise capital and issue debt. Many holding companies that are above the current threshold face challenges with regard to capital formation, which is particularly of concern for small institutions that are struggling to meet higher capital level demands by regulators.

The Small Bank Holding Company Policy Statement was first issued in 1980 and provides exemptions from certain capital guidelines for small bank institutions. These capital standards were originally established for larger institutions and disproportionately harm small bank holding companies.

The policy statement also makes it easier to form new banks and thrift holding companies and to make the acquisitions by issuing debt at the holding company level.

These are all important tools in ensuring that our smallest institutions can continue to lend to consumers and small businesses in their communities and survive in an environment that continuously challenges our community banks.

The policy statement also contains several safeguards designed to ensure that small bank holding companies that operate with higher levels of debt permitted by the policy statement do not present an undue risk to the safety and the soundness of these subsidiary banks.

Mr. Speaker, this is a simple bill to help our small banks stay strong and continue to support their communities. The last time the threshold was raised in 2014, the effort received widespread bipartisan support.

H.R. 4771 also received strong bipartisan support in the Financial Services Committee during the most recent markup.

Mr. Speaker, I urge my colleagues to give equal support to this rule.

Mr. HASTINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, every day, more than 115 Americans die from an opioid overdose. In 2016, the opioid epidemic claimed more American lives than car accidents and even breast cancer.

In order to tackle this growing crisis, we need to pass legislation that invests in effective solutions. Even President Donald John Trump agrees. Last year, he said: "It is a national emergency. We are going to spend a lot of time, a lot of effort, and a lot of money on the opioid crisis."

Well, Mr. Speaker, we have not spent a lot of time, a lot of effort, or a lot of money on this crisis. Instead, the President and the Republican Party spent most of last year trying to take

away healthcare from millions of Americans and passing a tax cut for billionaires and corporations. And to that, Mr. Speaker, I say: Enough. We need to act now.

For that reason, if we defeat the previous question, I am going to offer an amendment to the rule to bring up Representative KUSTER's bill, H.R. 4938, the Respond to the Needs in the Opioid War Act.

This legislation would create a \$25 billion opioid epidemic response fund to invest in programs that will help States respond to the epidemic over the next 5 years.

I happen to live in south Florida, which has an equivalent crisis with everyone around the Nation. The people with addiction problems seem to gravitate to several areas in south Florida, particularly Delray Beach and Palm Beach County, where I live.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. POE of Texas). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Hampshire (Ms. KUSTER) to discuss our proposal, who is a true champion on this issue.

Ms. KUSTER of New Hampshire. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, in New Hampshire and all across this country, people are dying every day. Communities have been devastated by the heroin and opioid epidemic. Last year, we lost nearly 500 people to substance abuse disorder in my small State of New Hampshire.

Helping families, first responders, treatment providers, law enforcement officials, and activists in the Granite State confront this crisis has been one of my top priorities in Congress.

Our communities need our help, and there is strong bipartisan commitment here in the House to respond effectively to this crisis.

While we have passed effective legislation over the last 2 years, including the Comprehensive Addiction and Recovery Act, the most important thing that we can do is to provide the funding to help those on the front lines of this crisis do their jobs.

While I and my Democratic colleagues welcome the President's declaration of an opioid public health emergency, the lack of corresponding funding means that this commitment has been little more than empty rhetoric.

We need leadership from Congress and the President to save lives across the country by providing real solutions to the opioid epidemic, and I call on my colleagues to act now.

During the State of the Union, the President, once again, expressed his

commitment to working to address the opioid and heroin epidemic, but, unfortunately, his actions have fallen short of his rhetoric.

I have come to the floor today so we can defeat the previous question and bring up for consideration my legislation, the Respond NOW Act.

This critical legislation creates a \$25 billion opioid epidemic response fund to provide \$5 billion annually over 5 years targeted to numerous key initiatives involving agencies such as the Substance Abuse and Mental Health Services Administration, the Centers for Disease Control and Prevention, and the National Institutes of Health.

This includes \$18.5 billion for SAMHSA grants to States, particularly those targeted at expanding medication assistance treatment, which opioid experts agree is among the most critical ways to help those suffering from substance use disorder.

My bill also provides funding to increase the number of substance use treatment providers and to expand medical research related to the opioid epidemic.

Additionally, it provides \$2.5 billion for critical CDC initiatives, such as expanding and strengthening evidence-based prevention and education strategies.

Finally, the bill includes funding specifically to support children and families impacted by this opioid epidemic, including \$250 million to support the Child Abuse Prevention and Treatment Act, which can help address the risk of adverse childhood experiences, a known driver of this epidemic.

We need to break the cycle, and these programs are ideally suited to support substance abuse treatment services to help families stay together and keep children in safe and stable homes.

The opioid crisis is a multifaceted challenge, and we are fortunate that so many amazing researchers, first responders, law enforcement officials, community activists, and others are doing amazing work in communities all across our country. But they need the resources to effectively meet these challenges. We must stop playing political games and act immediately to provide emergency funding to help stop this crisis in New Hampshire, in Florida, and all across this country.

Mr. BUCK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to turn now to the final bill made in order under this rule, the Common Sense Nutrition Disclosure Act.

Mr. Speaker, in 2016, I had the privilege to visit with one of my constituents, Lamont Muchmore. Lamont owns a Papa John's pizza franchise and invited me to come to his restaurant. He even taught me how to throw, or how to toss—maybe throw, maybe toss—a pizza. It was a great experience. I got to meet members of his team and hear about their professional goals. I am happy to say that the American Dream is alive within the hearts of the people of Colorado.

However, my visit with Lamont was not without concern. You see, recently, Washington had decided to push a hugely disruptive regulation on our food service industry.

In the interest of ensuring Americans had information on their food choices, Washington crafted a one-size-fits-all mandate that every menu item be labeled with its nutritional content.

As someone who has become extremely aware of the quality of foods that I consume, I certainly understand the do-good intentions behind this kind of regulation. But the impact on businesses like Lamont's has been substantial. In fact, some businesses have no realistic way of complying with the rules.

Further, the law that put these regulations in place, ObamaCare, placed criminal penalties on those who fail to comply. How ridiculous is that? If you mislabel or fail to properly label the calorie count on a menu item, you could be fined and go to jail.

The bill before us today rectifies some of the harm done by this rule. The bill allows multiple avenues for businesses such as Lamont's pizza restaurant to comply with menu labeling requirements in the most cost-effective manner possible.

While I don't believe the Federal Government needs to require the calorie count of a food item on a menu in Colorado, this bill offers a compromise. Americans will still have access to nutrition information about the food they are purchasing, while businesses will be able to provide a variety of prepared and local foods without fear of major penalties if one serving happens to be slightly different in its calorie count than the last serving.

□ 1045

Mr. Speaker, I cannot tell you how frustrating it is to visit with Coloradans who are working hard to build their businesses, provide for their families and community, and employ people, only to be met with the constant headwind that our Federal Government blows in their faces through its Washington-knows-best regulatory schemes. Washington should get out of the way and let Americans do what we do best: cultivate our resources for the good of our family and neighbors.

I think often of Coloradans like Lamont. It is men and women like him all across this great land that are doing the important work. I am committed to ensuring that this Federal Government stops jeopardizing their hard-won success, and that Washington's so-called experts give honor where it is due: to the hardworking American people.

I thank Lamont for taking the time out of his day to visit with me. This bill answers the needs of his team, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield myself such time as I may consume.

I ask the gentleman from Colorado: Does Lamont own more than one establishment?

Mr. BUCK. Will the gentleman yield?

Mr. HASTINGS. I yield to the gentleman from Colorado.

Mr. BUCK. He does.

Mr. HASTINGS. Does he own more than 20?

Mr. BUCK. I don't believe he owns more than 20.

Mr. HASTINGS. If he doesn't own more than 20, then he is not affected by this law. I just want you to know that. I am with you. I want Lamont to be successful.

Mr. BUCK. I will pass that information on to Lamont, although I disagree with your reading.

Mr. HASTINGS. Mr. Speaker, reclaiming my time, Democrats do not want to weaken financial protections keeping our economy stable and strong. Democrats do not want to make it harder for Americans to know the nutritional value of their food.

Rather, Democrats are ready to pass a budget that creates jobs and grows the paychecks of hardworking Americans. Democrats are ready to provide relief to our fellow Americans suffering from natural disasters. Democrats are ready to protect American's pensions. Democrats are ready to protect DREAMers; people who have known no other country than the United States; people, who, but for one piece of paper, are just as American as anyone who will walk in this Chamber today; people who served in the United States military, almost 1,000 of them.

Preferably, we would like to do that work in a bipartisan way. All we need is for the Republican Conference to stand up to the extreme faction in their party and to finally work with us.

Mr. Speaker, I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. BUCK. Mr. Speaker, I yield myself such time as I may consume.

Washington is out of step with the vast majority of the American people. It is true that we often do work here that moves our country forward, that protects this great land, but it is also true that there is a competing worldview in this City which seeks to rule over the American people.

In Colorado, we have experienced the negative effects of overreach by the Federal Government.

How is it that regulators living 1,700 miles away from us believe they can create rules that take into account our needs and that respect our way of life?

It is just not possible.

Washington is good at stamping out large Federal programs. The problem is that it usually stamps out individual liberty in the process. This City must stop telling the people of Colorado how to live every detail of their lives. Washington's so-called experts must stop burying Colorado businessmen and -women under piles of rules.

If we truly free our people to grow and pursue their hopes and dreams, we

will experience a renaissance of growth unmatched in our history. This Congress has done good work in rolling back the strong arm of the Federal Government, but there is more work to do.

These bills before us continue what should be a never-ending pursuit of giving back to the people their personal liberty which has been confiscated by overreaching Federal Government.

Mr. Speaker, I thank Chairman HENSARLING and Chairman WALDEN for their work on these bills. I thank Chairman SESSIONS for bringing these bills to the floor.

Mr. Speaker, I urge passage of the bills and the rule.

The material previously referred to by Mr. HASTINGS is as follows:

AN AMENDMENT TO H. RES. 725 OFFERED BY  
MR. HASTINGS

At the end of the resolution, add the following new sections:

SEC. 6. Immediately upon adoption of this resolution the Speaker shall, 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. 4938) to address the opioid epidemic, 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. 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 Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. 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. 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. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 7. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4938.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's 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. BUCK. 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. HASTINGS. 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

Ms. MICHELLE LUJAN GRISHAM of New Mexico. 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.