

going to go to jail. In fact, just this past November, in new supplemental draft guidance, FDA explained that the agency, “does not intend to penalize or recommend the use of criminal penalties for minor violations.” The FDA went on to explain that minor violations would include inadvertently missing a calorie declaration for a standard menu item on the buffet; minor discrepancies in the type, size, color, contrast of calorie declarations; minimal variations or inadvertent error that would only minimally impact the calorie declaration, such as adding extra slices of pepperoni or an extra dollop of ketchup. This is just not going to happen.

Let me just say, in closing, the law that Congress passed almost 8 years ago—so the calls for more time is just ridiculous—should be allowed to go into effect. It is long past due. This is about freedom, about freedom of consumers to make informed choices.

I know my friends across the aisle talk about freedom all the time. This is about freedom to make choices that will help you. Empowering consumers to make informed decisions that benefit their health is exactly what the current law allows. H.R. 772 would undermine that important goal.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, I would just remind my colleagues that this bill is supported by literally hundreds of national State and local organizations, including the National Grocers Association, the National Association of Convenience Stores, the Food Marketing Institute, the American Pizza Community, the National Association of Truck Stop Operators, amongst many, many others.

□ 1330

I want to also reiterate that this bill, again, is bipartisan and has passed the Energy and Commerce Committee 39–14, in this Congress, and last year in the House, where it passed 266–144.

The bottom line is this: it clarifies that establishments acting in good faith will not be penalized, particularly in a criminal way, for inadvertent human error in reasonable variations in serving sizes and ingredients, giving them 90 days to correct a violation before enforcement action is brought by the FDA.

Mr. Speaker, I urge my colleagues to vote in support of this bill, and I yield back the balance of my time.

Mr. DESAULNIER. I rise to express my strong opposition to H.R. 772, the so-called Common Sense Nutrition Disclosure Act.

I have worked at every level of the restaurant business, starting as a dishwasher and busboy, and eventually managing and owning various restaurants in the San Francisco Bay area. As a former restaurateur and a member of the California Restaurant Association, I have a deep appreciation for the value American consumers place on nutritional information when determining their food purchases.

Numerous studies, like the International Food Information Council and elsewhere, suggest that nutritional information is second only to taste when choosing what to eat from a menu. Other peer-reviewed studies have found that consumers make healthier choices when nutrition information is placed directly on the menu.

Making nutrition information readily available and standardized is an important step in fighting the growing epidemic of obesity and chronic disease. According to the CDC, more than two-thirds of American adults are overweight or obese, nearly a third of American children are overweight, and the prevalence of childhood obesity children has more than tripled since 1971.

That is why, as a California State Senator, I co-authored the first-in-the-nation menu labeling law. This bipartisan legislation was passed with industry support and cooperation, and signed by a Republican governor.

In contrast, the bill before us today creates giant loopholes in the ACA's national menu labeling provisions and allows selected establishments to arbitrarily determine serving sizes, and obscure the total number of servings per item. For example, if this bill would become law pizza chains, supermarkets, and convenience stores would be exempt from having to provide information to consumers at the point-of-sale. The bill would also further delay the implementation of our existing nationwide menu labeling efforts that are supported by more than 75 percent of American consumers.

Particularly harmful for my constituents, H.R. 772 would preempt state efforts to address the obesity epidemic locally. The bill also undermines state and local efforts to enforce or enact their own food labeling laws, and extends to food labelling in general, not simply menu labeling as the bill's title would lead us to believe.

This misguided legislation unravels all of the cooperative work being done by the restaurant industry and government agencies across the nation. I urge my colleagues to oppose this effort to undermine local transparency efforts and vote No on H.R. 772.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 725, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Ms. SCHAKOWSKY. 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.

#### 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 31 minutes p.m.), the House stood in recess.

□ 1508

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PALMER) at 3 o'clock and 8 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1892, HONORING HOMETOWN HEROES ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 115–547) on the resolution (H. Res. 727) providing for consideration of the Senate amendment to the bill (H.R. 1892) to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, which was referred to the House Calendar and ordered to be printed.

#### PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 1892, HONORING HOMETOWN HEROES ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 727 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 727

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 1892) to amend title 4, United States Code, to provide for the flying of the flag at half-staff in the event of the death of a first responder in the line of duty, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with an amendment consisting of the text of Rules Committee Print 115–58 modified by the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

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

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER), my dear friend and ranking member of the Rules Committee, 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.

#### GENERAL LEAVE

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members