

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2017) 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, AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM FEBRUARY 15, 2016, THROUGH FEBRUARY 22, 2016

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FEBRUARY 10, 2016.—Referred to the House Calendar and ordered to be printed

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Mr. BURGESS, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 611]

The Committee on Rules, having had under consideration House Resolution 611, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2017, the Common Sense Nutrition Disclosure Act of 2015, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amend-

ments printed in this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides that on any legislative day during the period from February 15, 2016 through February 22, 2016: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment.

Section 3 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 2.

Section 4 of the resolution provides that the Committee on the Judiciary may, at any time before 5 p.m. on Tuesday, February 16, 2016, file a report to accompany H.R. 3624.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of Clause 3(e)(1) of rule XIII (“Ramseyer”), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the Committee on Energy and Commerce was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

#### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee record vote No. 145*

Motion by Ms. Slaughter to report an open rule. Defeated: 4–8

| Majority Members             | Vote | Minority Members              | Vote |
|------------------------------|------|-------------------------------|------|
| Ms. Foxx .....               | Nay  | Ms. Slaughter .....           | Yea  |
| Mr. Cole .....               | Nay  | Mr. McGovern .....            | Yea  |
| Mr. Woodall .....            | Nay  | Mr. Hastings of Florida ..... | Yea  |
| Mr. Burgess .....            | Nay  | Mr. Polis .....               | Yea  |
| Mr. Stivers .....            | Nay  |                               |      |
| Mr. Collins .....            | Nay  |                               |      |
| Mr. Byrne .....              | Nay  |                               |      |
| Mr. Newhouse .....           | Nay  |                               |      |
| Mr. Sessions, Chairman ..... | Nay  |                               |      |

#### SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. McMorris Rodgers (WA), Cárdenas, Tony (CA): MANAGER’S Ensures that businesses will not be penalized for inadvertent

human error in preparation or variation of ingredients. (10 minutes)

2. DeSaulnier (CA): Maintains current state's rights to enact menu labeling laws. (10 minutes)

3. Schrader (OR): Strikes "off-premises" ordering exception from bill. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCMORRIS RODGERS OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

On page 5, strike lines 15 through 24 and insert the following:

"(II) PERMISSIBLE VARIATION.—If the restaurant or similar food establishment uses such means as the basis for its nutrient content disclosures, such disclosures shall be treated as having a reasonable basis even if such disclosures vary from actual nutrient content, including but not limited to variations in serving size, inadvertent human error in formulation or preparation of menu items, variations in ingredients, or other reasonable variations.";

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DESAULNIER OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

On page 3, line 9, strike the designation and heading of subsection (a).

On page 9, lines 14 through 18, strike subsection (b).

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHRADER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

On page 3, line 24, insert "and" after the semicolon.

Strike page 4, lines 13 through 22.