

of total new budget authority for the first fiscal year to be exceeded, or would cause revenues to be less than the level of total revenues for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided.

A waiver of clause 10 of rule XXI, which prohibits the consideration of a bill if it has the net effect of increasing mandatory spending over the five-year or ten-year period.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 727 OFFERED BY
MS. SLAUGHTER

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

SEC. 2. 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. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children 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 the Judiciary. 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. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

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. 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.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

Passage of H.R. 772;

Ordering the previous question on House Resolution 727; and

Adopting House Resolution 727, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

COMMON SENSE NUTRITION DISCLOSURE ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on passage of 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, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

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

The vote was taken by electronic device, and there were—yeas 266, nays 157, answered "present" 1, not voting 6, as follows:

[Roll No. 56]

YEAS—266

Abraham	Dent	Jones
Aderholt	DeSantis	Jordan
Aguilar	DesJarlais	Joyce (OH)
Allen	Diaz-Balart	Katko
Amash	Dingell	Keating
Amodei	Donovan	Kelly (MS)
Arrington	Doyle, Michael	Kelly (PA)
Babin	F.	Kennedy
Bacon	Duffy	Kind
Banks (IN)	Duncan (SC)	King (IA)
Barletta	Duncan (TN)	King (NY)
Barr	Dunn	Kinzinger
Barton	Emmer	Knight
Bergman	Estes (KS)	Kustoff (TN)
Biggs	Farenthold	Labrador
Bilirakis	Faso	LaHood
Bishop (GA)	Ferguson	LaMalfa
Bishop (MI)	Fitzpatrick	Lamborn
Bishop (UT)	Fleischmann	Lance
Black	Flores	Latta
Blackburn	Fortenberry	Lewis (MN)
Blum	Fox	Lipinski
Bost	Frelinghuysen	LoBiondo
Brady (TX)	Gaetz	Long
Brat	Gallagher	Loudermilk
Bridenstine	Garrett	Love
Brooks (AL)	Gianforte	Lucas
Brooks (IN)	Gibbs	Luetkemeyer
Buchanan	Gohmert	MacArthur
Buck	Gonzalez (TX)	Marchant
Bucshon	Goodlatte	Marino
Budd	Gosar	Marshall
Burgess	Gottheimer	Mast
Bustos	Gowdy	Matsui
Butterfield	Granger	McCarthy
Byrne	Graves (GA)	McCaul
Calvert	Graves (LA)	McClintock
Cárdenas	Graves (MO)	McHenry
Carter (GA)	Griffith	McKinley
Carter (TX)	Grothman	McMorris
Chabot	Guthrie	Rodgers
Cheney	Hanabusa	McSally
Coffman	Handel	Meadows
Cole	Harper	Meehan
Collins (GA)	Harris	Messer
Collins (NY)	Hartzler	Mitchell
Comer	Hensarling	Moolenaar
Comstock	Herrera Beutler	Mooney (WV)
Conaway	Hice, Jody B.	Mullin
Cook	Higgins (LA)	Murphy (FL)
Correa	Hill	Neal
Costa	Holding	Newhouse
Costello (PA)	Hollingsworth	Noem
Cramer	Hudson	Norman
Crawford	Huizenga	Nunes
Cuellar	Hultgren	O'Halleran
Culberson	Hunter	Olson
Curbelo (FL)	Hurd	Palazzo
Curtis	Issa	Palmer
Davidson	Jenkins (KS)	Paulsen
Davis, Rodney	Jenkins (WV)	Pearce
DeFazio	Johnson (LA)	Perry
Demings	Johnson (OH)	Pittenger
Denham	Johnson, Sam	Poe (TX)

Poliquin	Schneider	Turner
Posey	Schweikert	Upton
Ratcliffe	Scott, Austin	Valadao
Reed	Scott, David	Vela
Reichert	Sensenbrenner	Wagner
Renacci	Sessions	Walberg
Rice (SC)	Shimkus	Walden
Roby	Simpson	Walker
Roe (TN)	Sinema	Walorski
Rogers (KY)	Sires	Walters, Mimi
Rohrabacher	Smith (MO)	Weber (TX)
Rokita	Smith (NE)	Webster (FL)
Rooney, Francis	Smith (NJ)	Welch
Rooney, Thomas J.	Smith (TX)	Wenstrup
Ros-Lehtinen	Smucker	Westerman
Roskam	Stefanik	Williams
Ross	Stivers	Wilson (SC)
Rothfus	Taylor	Wittman
Rouzer	Tenney	Womack
Royce (CA)	Thompson (CA)	Woodall
Ruppersberger	Thompson (PA)	Yoder
Russell	Thornberry	Yoho
Rutherford	Tipton	Young (AK)
Sanford	Tonko	Young (IA)
Scalise	Trott	Zeldin

NAYS—157

Adams	Green, Gene	Norcross
Barragán	Grijalva	O'Rourke
Bass	Gutiérrez	Pallone
Beatty	Hastings	Panetta
Bera	Heck	Pascarell
Blumenauer	Higgins (NY)	Payne
Blunt Rochester	Himes	Pelosi
Bonamici	Hoyer	Perlmutter
Boyle, Brendan F.	Huffman	Peters
Brady (PA)	Jackson Lee	Peterson
Brown (MD)	Jayapal	Pingree
Brownley (CA)	Jeffries	Pocan
Capuano	Johnson (GA)	Polis
Carbajal	Johnson, E. B.	Price (NC)
Carson (IN)	Kaptur	Quigley
Cartwright	Kelly (IL)	Raskin
Castor (FL)	Khanna	Rice (NY)
Castro (TX)	Kihuen	Richmond
Chu, Judy	Kildee	Rosen
Cicilline	Kilmer	Roybal-Allard
Clark (MA)	Krishnamoorthi	Ruiz
Clarke (NY)	Kuster (NH)	Rush
Cleaver	Langevin	Ryan (OH)
Clyburn	Larsen (WA)	Sánchez
Cohen	Larson (CT)	Sarbanes
Connolly	Lawrence	Schakowsky
Cooper	Lawson (FL)	Schiff
Courtney	Lee	Schrader
Crist	Levin	Scott (VA)
Crowley	Lewis (GA)	Serrano
Davis (CA)	Lien, Ted	Sewell (AL)
Davis, Danny	Loeback	Shea-Porter
DeGette	Lofgren	Sherman
Delaney	Lowenthal	Slaughter
DeLauro	Lowe	Smith (WA)
DelBene	Lujan Grisham,	Soto
DeSaulnier	M.	Speier
Deutch	Luján, Ben Ray	Suozi
Doggett	Lynch	Swalwell (CA)
Ellison	Maloney,	Takano
Engel	Carolyn B.	Thompson (MS)
Eshoo	Maloney, Sean	Titus
Espallat	Massie	Torres
Esty (CT)	McCollum	Tsongas
Evans	McEachin	Vargas
Foster	McGovern	Veasey
Frankel (FL)	McNerney	Velázquez
Fudge	Meeks	Visclosky
Gabbard	Meng	Wasserman
Gallego	Moore	Schultz
Garamendi	Moulton	Waters, Maxine
Gomez	Nadler	Watson Coleman
Green, Al	Napolitano	Wilson (FL)
	Nolan	

ANSWERED "PRESENT"—1

Yarmuth

NOT VOTING—6

Beyer	Cummings	Shuster
Clay	Rogers (AL)	Walz

□ 1636

Messrs. TONKO, NEAL, RODNEY DAVIS of Illinois, DAVID SCOTT of Georgia, MICHAEL F. DOYLE of Pennsylvania, WELCH, and BUTTERFIELD changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. PELOSI. Mr. Speaker, pursuant to rule IX, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution.

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

The Clerk read as follows:

RESOLUTION

Raising a question of the privileges of the House pursuant to rule IX.

Whereas the first duty of Members of Congress is to uphold their constitutional duty to protect and defend the American people, and the House Majority and its leadership have abdicated that duty by permitting actions that give Russia a clearer view of our intelligence capabilities;

Whereas the integrity of the legislative process of the House has been seriously damaged by the Majority's failure to properly adhere to the procedures of clause 11 (g) of rule X, of the Rules of the House of Representatives in seeking to release highly classified information contained in a memo by the Permanent Select Committee on Intelligence Chair Devin Nunes to assist the President in attacking the Federal Bureau of Investigation and undermining ongoing investigations into Russia's meddling in America's elections;

Whereas the Department of Justice on January 24, 2018 warned Chairman Nunes that releasing his memo without affording the FBI and the Department an opportunity to review and advise the Intelligence Committee of risks to our national security and ongoing investigations would be "extraordinarily reckless";

Whereas on January 29, 2018 after Chairman Nunes refused to allow the FBI and the Department of Justice to advise the Intelligence Committee of risks to our national security and intelligence, the Committee voted on a party-line vote to release the Nunes memo pursuant to clause 11 (g) of rule X;

Whereas during the business meeting of January 29, 2018, the Intelligence Committee on a party-line vote refused to release a memo by the Ranking Member, thereby providing only a misleading perspective for Members and the public about the propriety of the FISA court's actions described in the Nunes Memo;

Whereas on January 31, 2018, the FBI publicly indicated that the Nunes memo is based upon the distortion of highly classified information and contains "material omissions of fact that fundamentally impact the memo's accuracy";

Whereas on January 31, 2018, Chairman Nunes transmitted a memo to the President that contained material changes from the version that the Intelligence Committee approved on January 29, 2018, and did so without a vote of the Intelligence Committee to authorize that particular memo's release, thereby failing to adhere to the procedures outlined in clause 11 (g) of rule X and calling into question the integrity of the legislative and committee process;

Whereas the President's decision to declassify the Nunes Memo on February 2, 2018 and allow the release of this highly misleading memo was "an unprecedented action," according to the Department of Justice;

Whereas House Intelligence Committee Republicans refused to answer whether Republican Members or staff consulted or coordinated with the White House in the preparation of the Nunes memo;

Whereas Administration officials, members of the national security community and experts across the political spectrum have debunked and denounced the Nunes memo since its publication;

Whereas on February 5, 2018 during the Intelligence Committee's business meeting, a full week after voting to release only the Committee Republicans' memo and not to release a separate memo prepared by the Committee's Ranking Member, the Committee finally voted unanimously to release the memo by the Ranking Member;

Whereas the record must be set straight by releasing for public view after appropriate classification review the memo prepared by the Ranking Member of the Intelligence Committee; and

Whereas this House must defend our national security and intelligence before that of any political party or any President's personal interest: Now, therefore, be it

Resolved, That—

(1) The House of Representatives disapproves of Chairman Nunes transmitting a memo to the President over the objection from the Federal Bureau of Investigation that it was misleading and inaccurate and that contained material changes from the version that the Permanent Select Committee on Intelligence approved on January 29, 2018, without a vote of that committee to authorize that particular memo's release, in violation of clause 11 (g) of rule X of the Rules of the House of Representatives; and

(2) it is imperative that the House vote to call upon the President to expeditiously seek review, by the Department of Justice and the Federal Bureau of Investigation, and process and release the memo by the Ranking Member of the Permanent Select Committee on Intelligence, and that the President declassify such memo without any redactions based on political considerations, for the sake of America's national security, the public interest, and the integrity of the legislative process and ongoing investigations.

The SPEAKER pro tempore. Does the gentlewoman from California wish to present argument on the parliamentary question of whether the resolution presents a question of the privileges of the House?

Ms. PELOSI. Mr. Speaker, I do.

The SPEAKER pro tempore. The gentlewoman is recognized on the question of order.

□ 1645

Ms. PELOSI. Mr. Speaker, I wish to explain why the House should consider this privileged resolution.

Mr. Speaker, Members of Congress take an oath to support and defend the Constitution of the United States and protect the American people. The House majority and its leadership have abandoned that duty.

It is imperative that the House vote to release the Democratic memo to set the record straight on Republicans' attempts to undermine the Russian investigation. It is also important to note that who knows what they have next.

The majority's decision to release highly classified and distorted intelligence is profoundly dangerous and gives a bouquet to Putin. As the Department of Justice warned, the public