

from the dregs of society, misfits, and bandits who wish to do the rest of us harm.

Back the blue, Mr. Speaker. Back the blue.

And that is just the way it is.

#### IT IS TIME TO ACT ON IMMIGRATION

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

Mr. POLIS. Mr. Speaker, I want to give a little history about the efforts of the Democratic Party to secure our Southern border.

We had an immigration bill last session. In that bill that passed the Senate with bipartisan support—not only every Democrat, but also many Republicans, like JOHN MCCAIN and MARCO RUBIO—we had \$40 billion to secure our Southern border. Talk about a secure wall—security, making sure that illegal products and illegal people do not cross across that border—we had that.

Thanks to the Republicans' failure to take action in this body, the House of Representatives, and simply pass the Senate bill, there is still no security on the Southern border. There are people, illegal drugs, and illegal products sneaking across every day because this body hasn't acted.

Now, it is pie in the sky to think that some other country is going to pay for a wall to protect America. It isn't going to happen.

What we did is we actually had fines for people who were here illegally. So people who are here illegally were actually the very ones who contributed money back into our coffers to help secure our Southern border, not to mention the additional economic benefit and taxes that they would pay going forward.

It is time to act on immigration and secure our border.

□ 0915

#### TRIBUTE TO COACH JIM BELDEN

(Mrs. BROOKS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to honor a beloved member of the Hamilton County, Indiana, community, Jim Belden.

Jim was a dedicated public servant and a devoted husband, father, and grandfather. Sadly, he passed away after a battle with cancer. He will be dearly missed by the Hoosier community, but what a legacy he left.

Jim left his mark as a family man, a teacher, a U.S. Navy veteran, and a 23-year member of the Hamilton County Council, but he is best known for being one of the best football coaches in Indiana, an Indiana Football Hall of Fame coach. I am the daughter of a high school football coach as well.

For more than 30 years, Jim coached and mentored young men in Westfield, Noblesville, and Carmel High Schools. He led Carmel High School to four State championship titles and is the 12th winningest coach in Indiana State history.

I attended his memorial service just last weekend. There were hundreds of players there. I heard from those whose lives had been touched. There were those he coached who were now not quite so young, because he coached in the 1970s, 1980s, 1990s, and the 2000s.

I also heard from the students he taught, the assistant coaches, the faculty he worked with, the community he served, and, most importantly, his family, who loved him so dearly.

I offer my deepest condolences to his family, especially his wife Bev. They had just celebrated their 50th wedding anniversary. We all mourn his loss and cherish his memory. What a legacy lives on in Jim Belden.

#### PROVIDING FOR CONSIDERATION OF H.R. 4557, BLOCKING REGULATORY INTERFERENCE FROM CLOSING KILNS ACT OF 2016, AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM MARCH 4, 2016, THROUGH MARCH 11, 2016

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 635 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 635

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4557) to allow for judicial review of any final rule addressing national emission standards for hazardous air pollutants for brick and structural clay products or for clay ceramics manufacturing before requiring compliance with such rule. 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 Energy and Commerce; and (2) one motion to recommend.

SEC. 2. On any legislative day during the period from March 4, 2016, through March 11, 2016—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 3. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 2 of this resolution as though under clause 8(a) of rule I.

The SPEAKER pro tempore (Mr. KELLY of Mississippi). The gentleman from Alabama is recognized for 1 hour.

Mr. BYRNE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), 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. BYRNE. 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 Alabama?

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 635 provides for consideration of H.R. 4557, the Blocking Regulatory Interference from Closing Kilns Act of 2016. The resolution provides for a closed rule. No amendments are made in order, as none were filed with the Rules Committee. Additionally, the rule also provides for standard adjournment authority.

H.R. 4557 is an important piece of legislation. It is a bipartisan bill that addresses an unfortunate recurring theme: overreach by the EPA that takes jobs away from hardworking Americans.

Last September the EPA finalized the National Emission Standards for Hazardous Air Pollutants for Brick and Structural Clay Products and Clay Ceramics, commonly known as Brick MACT. Only in the Federal Government would we string that many words together and think it makes sense.

In that rule, the EPA set stringent standards for brick industry emissions of mercury and nonmercury pollutants as well as health-based standards for acid gases.

EPA previously promulgated Brick MACT standards in 2003. That rule was vacated by a Federal court in 2007, but, by that time, many brick manufacturers had already spent millions of dollars in irreversible compliance costs.

Now, let's be clear. Those aren't just costs that are borne by those businesses. Those get passed along to the American consumers, raising the price of brick to each and every one of us.

The brick industry faces again the uncertainty of having to spend millions of dollars to comply with revised Brick MACT while the fate of the rule makes its way through the court system.

Mr. Speaker, the brick industry employs thousands of Americans at more than 70 brick plant and supporting facilities nationwide. These facilities are located in 38 States. Alabama, my home State, is one of the top five States for brick manufacturing capacity and faces some of the largest job losses.

Unlike other industries targeted by EPA's overreach, the brick industry is dominated by small, family-owned businesses that have been struggling in our current economy.

EPA estimates industry-wide annual compliance in Brick MACT will cost

\$25 million annually. The industry estimates that the costs may be as much as \$100 million per year. For a facility with two kilns, which is the industry average, costs are estimated to be \$4.4 million.

Remember, those costs get passed along to us consumers in the cost of bricks. These costs will likely cause many of these small facilities to shut their doors and are, of course, over and above the millions of dollars already spent by the industry to comply with the earlier rule that was vacated by the D.C. Circuit.

Mr. Speaker, H.R. 4557 ensures that the brick industry will not again have to make millions of dollars in expenditures before Brick MACT works its way through the courts.

H.R. 4557 would implement a legislative stay to Brick MACT and block the rule until all related court challenges have been resolved by the Federal courts.

Opponents of this bill argue that a legislative stay is unnecessary because the brick industry can request a judicial stay in Federal court; however, as an attorney, I can tell you that the standard to receive such a stay is incredibly high and such stays are rarely granted.

The recent case of *Michigan v. EPA* provides a great example of why this legislation is necessary. In that case, the Supreme Court found the EPA's Utility MACT rule to be legally flawed and remanded the case; however, by that time, utility companies had already been forced to spend billions of dollars to comply with Utility MACT. Remember, that gets passed along to the consumers in our utility bills.

EPA Acting Administrator Janet McCabe stated that, although EPA lost, the Supreme Court's decision was of limited practical effect because the majority of power plants were already in compliance or well on their way to compliance. Thus, the EPA was, in practicality, able to evade any meaningful judicial review, which makes a mockery of this process.

The EPA should not get to do the same again to the brick industry while Brick MACT makes its way through the court system. Thousands of American jobs should not be put at risk due to a rule which has already been vacated once. Again, the consumers of America should not be penalized for the same reason.

I urge my colleagues to support House Resolution 635 and the underlying bill.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in opposition to the rule and the underlying bill. The Blocking Regulatory Interference from Closing Kilns Act—certainly, a mouthful to say—is yet another of the endless list of attempts by this body—and it will not become law—to block implementation of an administrative rule or regulation that some people

don't like, rather than tackling the issues that this country cares about and that I hear from voters back home when I have townhall meetings or I am at the grocery store.

I hear about fixing our broken immigration system and securing our border. I hear about balancing the budget deficit. I hear about making sure that Medicare and Social Security are solvent and there for the next generation. I hear about making sure we create jobs, that housing is affordable, and that our roads and bridges are safe so traffic can flow safely and quickly.

Yet, here we are again, spending an entire legislative day debating a bill that won't become law, which you will certainly hear about over the next couple of hours, regarding a series of regulations around brick kilns.

Once again the Republicans are approaching a complex rulemaking process with a knee-jerk reaction in a non-transparent process with a closed rule, not even allowing a debate for a single amendment.

Not only is this bill not transparent and not necessary, in this particular case, it sets a bad precedent because the courts already have the authority to issue a stay of compliance on a final rule.

As we saw through the recent delay of the Clean Power Plan, our judicial and legislative systems are separate for a reason.

Let the courts do their work and let us do ours. Let us not preempt the courts from their normal process. Our judicial and legislative systems are separate. Individuals, organizations, and companies have plenty of recourse and options through the court system to address this matter.

The floor of the House is not the place to be requesting a stay. If there was something done that was illegal or wrong, the place to request a stay is the courtroom.

But time and time again legislation like this has come to this floor, disposing of the judicial process and shortcutting the justice system that we have to delay a rule until all legal challenges are completed, which effectively means that frivolous lawsuits can jam up the rule indefinitely and forever.

Over the past 45 years, it is proven that clean air regulations are important to protect the public health and consistent with growing a strong economy.

Of course, I understand the pressure requirements placed on brick and clay ceramic makers. They have legitimate reasons to provide input to question or contest the rule.

The judicial avenue is and will be available to them. That is the appropriate venue to request a stay, not the floor of the House of Representatives.

There are several brick and clay companies in my State of Colorado, such as the Summit Brick & Tile Company in Pueblo, Colorado. I know these companies updated and changed their industry after the 2004 rule.

But, unfortunately, like so many rules under the administration of George Bush, the rule is written so poorly that it was vacated by the courts in 2007, which means there is no rule under the authority of the Clean Air Act, which this Congress has made the law of the land, that sets standards for eliminating air pollution in this industry. Not only is that unacceptable, but, of course, it needs to be rectified urgently.

There is nothing special about brick kilns. Like anything else, of course, they affect air quality. I have a picture of what we are talking about here.

Of course, like any other economic activity that creates issues regarding air quality, we need a nuanced and thoughtful rule that ensures that the economic activity continues, subject to maintaining the public health.

In fact, the EPA has a responsibility under section 112 of the Clean Air Act to control pollution from stationary sources of pollution, like brick kilns.

Let me repeat that. The EPA was actually required by Congress to implement a rule that covers this industry because, according to the judiciary, President Bush enacted the rule incorrectly.

If Congress wants to get at the underlying statutes, let's have that debate. Let's talk about what the EPA should and shouldn't do.

I believe that we should close down loopholes that exempt fracking from regulation under the Clean Air Act. We have a series of bills that would do that—the BREATHE Act and the FRESHER Act—to ensure that the small site exemption does not occur, does not exist with regard to fracking activities that, in the aggregate, can have a considerable impact on air quality.

We have seen areas of our State and our neighboring State of Wyoming have worse air quality than downtown Los Angeles because of the extraction and fracking-related activity, which is largely exempt from the clean air law.

That is the debate I would be happy to have. Let's debate the appropriate jurisdiction of the EPA. If there is something we got wrong in that with regard to brick kilns and their authority or responsibility, that is the place to have the debate.

□ 0930

It is not to give an indefinite stay to simply implement what is the law of the land and the will of Congress, which is the EPA's responsibility.

Congress has told the EPA, through the Clean Air Act, that they have the responsibility under section 112 to control pollution from stationary sources of pollution. They tried to do it under President Bush. It was tossed out by the courts because it was improperly constructed, and they are doing their job.

Yet, Congress is trying to use something that is normally a judicial procedure, a stay, to get around the very

mandate that Congress gave the Environmental Protection Agency. So it is simply the wrong way to go about it.

Brick and clay plants, if left unregulated, which is why they are covered under the Clean Air Act, can be major sources of toxic air pollutants, like hydrogen fluoride, hydrogen chloride, and hazardous metal, heavy metal pollutants that can endanger people with everything from asthma to cancer.

Now, I don't know about you, but I would rather have my children running around a playground of a town where plants that put out hazardous pollutants are regulated in a thoughtful and responsible way, which is what this rule attempts to do.

That is why opponents of this legislation include the Center for Biological Diversity, League of Conservation Voters, League of Women Voters, National Resource Development Council, the Sierra Club, and the Union of Concerned Scientists.

All of these experts understand that, for 15 years, Congress has expected air pollution from these facilities to be covered by the Clean Air Act standards, and that delaying the process further is irresponsible, prevents the EPA from doing their mandate that Congress has given them, sets a dangerous public health precedent, and will endanger lives of American citizens.

Not only is this a treacherous pattern but, again, it is a waste of time. This bill won't become law. It came out of committee on a party-line vote. The majority knows that, even in the off chance that the Senate were to consider this legislation, which I highly doubt, the President would veto the bill.

It was indicated in the Statement of Administration Policy that I will include in the RECORD, Mr. Speaker, which reads, in part, H.R. 4557 would create "an incentive for parties to litigate this rulemaking and the related corrections notice for as long as possible in order to delay air pollution reductions."

STATEMENT OF ADMINISTRATION POLICY  
H.R. 4557—BLOCKING REGULATORY INTERFERENCE FROM CLOSING KILNS ACT OF 2016—  
REP. BILL JOHNSON, R-OH, AND SEVEN CO-  
SPONSORS

The Administration strongly opposes H.R. 4557, which could extend indefinitely deadlines for the brick and structural clay industry to limit mercury and other hazardous air pollution. Specifically, H.R. 4557 would extend compliance deadlines for the Brick and Structural Clay National Emission Standards for Hazardous Air Pollutants until all litigation on the final rule is complete, thereby creating an incentive for parties to litigate the rulemaking and the related corrections notice for as long as possible in order to delay air pollution reductions. In the meantime, H.R. 4557 would undermine the public health protections of the Clean Air Act (CAA) by allowing further emissions of approximately 30 tons per month of toxic air pollution from brick and clay products production facilities. These toxic emissions include mercury, gases, and other hazardous metals which are associated with a variety of acute and chronic health effects, including cancers.

The CAA required the Environmental Protection Agency to finalize pollution standards for toxic air pollution from all industrial sectors by 2000. Since then, sources in many other sectors have been complying with standards that limit their emissions of cancer-causing toxic air pollutants. The subject rule reflects CAA requirements while providing flexible compliance options and the maximum time allowed by law for compliance. It also makes distinctions between requirements for small and large kilns in order to reduce the impacts on small businesses.

Since its enactment in 1970, and subsequent amendment in 1977 and 1990—each time with strong bipartisan support—the CAA has improved the Nation's air quality and protected public health. Over that same period of time, the economy has grown over 200 percent while emissions of key pollutants have decreased nearly 70 percent. Forty-five years of clean air regulation have shown that a strong economy and strong environmental and public health protection go hand-in-hand.

Because H.R. 4557 threatens the health of Americans by allowing more toxic air pollution, if the President were presented with H.R. 4557, his senior advisors would recommend that he veto the bill.

Mr. POLIS. Again, so long as even there are the most frivolous lawsuits and anybody could continually file a lawsuit, and so long as any one of them is pending, the rule does not take effect. It is indefinitely stayed.

So, yet again, we are debating something on the floor going nowhere. We are not debating improving our roads and bridges. We are not debating securing our southern border. We are not debating balancing our Federal budget deficit. We are not debating making America more competitive and bringing jobs from overseas and China back home here and creating a growing middle class. Instead, we are wasting time on legislation that won't become law, that shouldn't even become law because it is the inappropriate role of this body.

There are so many things that we could be talking about even within the energy realm and the EPA realm that would be productive discussions. I will give you an example.

I have had the opportunity in hearings in the Natural Resources Committee to bring up a bipartisan bill that I have with Mr. GOSAR twice this week, and this is the third time. It is a bill that would create jobs and create renewable energy. It is called the Public Lands Renewable Energy Development Act.

Why don't we have a rule on that bill or bring it up on suspension?

Mr. GOSAR and my bill would incentivize renewable energy development by streamlining the permitting process on public lands for renewable energy projects.

Isn't that something we can come together about, making sure that we can find a way to expedite siting for renewable energy products on public land, creating jobs and creating clean energy?

Or we could be discussing the need for a permanent reauthorization of the

Land and Water Conservation Fund, something that just last week was offered as a bipartisan amendment by myself and Mr. GRIJALVA and Mr. SANFORD of South Carolina.

But, of course, that amendment was not given an hour of debate, 2 hours of debate, like this. We have the rule, we have the bill. The entire legislative day is discussing a stay on brick kilns. It should be in a courtroom, not in the U.S. House.

We weren't even given 10 minutes. We weren't even given 1 minute to discuss that bipartisan amendment from Mr. GRIJALVA and Mr. SANFORD and myself.

Look, the list goes on and on of what we could be doing. It has been said that politics is the art of the possible.

When the American people look at our proceedings on the floor and what the Republican majority is doing with Congress, is it any wonder that the approval rating of Congress is 8 percent?

The people look at Congress and say, look, you are spending an entire day debating a stay on kiln rules. First of all, why are you talking about it? It should be in a courtroom.

Second of all, aren't there critical national priorities that you need to be debating right now to create jobs, make America more competitive overseas, improve our schools, make college more affordable, balance our deficit, fix our broken immigration system, improve our roads and bridges, make America more competitive and grow the middle class? Aren't there?

That is what 92 percent of the American people are crying out. There is still time for this Congress to listen. I hope that we begin.

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

Mr. BYRNE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arkansas (Mr. WESTERMAN).

Mr. WESTERMAN. Mr. Speaker, I thank the gentleman from Alabama for his important work on this issue, and also the gentleman from Ohio.

I rise today in support of H.R. 4557, the BRICK Act. This legislation delays an unnecessary EPA rule that imposes overly strict emission standards on American brick kilns.

Manufacturers shouldn't have to deal with the hassles of an overzealous regulator in the first place, but they should at least get to have their day in court fighting this unreasonable regulation before incurring millions of dollars of expense to comply.

Since 2003, brick manufacturers have reduced emissions from kilns by 95 percent. However, EPA decided to impose another Washington mandate on small businesses, which they may not even be able to meet.

Shuttering U.S. brick factories will lead to higher costs for American consumers, making it even more expensive to open a business or raise a family.

Additionally, manufacturers will shed good-paying jobs in places like Malvern, Arkansas. And, once again,

our manufacturing needs will move offshore to a place that pollutes much worse than we do here.

Not only is the EPA out of touch with reality on this issue, they exhibit no common sense when they regulate jobs away from America and send them to countries that pay sub-par wages and have sub-par pollution control technology. They have a lose-lose proposition.

Mr. Speaker, this is the same EPA that negligently released millions of gallons of toxic mine water into the Animas River, tried to cover up and minimize their actions, refused to take responsibility, and resisted being held accountable.

If anyone needs more regulation, it is this out-of-control Federal agency, not hard-working Americans.

Mr. Speaker, for the sake of our environment and economy, I urge the House to pass the BRICK Act to keep the air cleaner and to save good-paying jobs here at home.

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

I want to talk a little bit more about when we say this bill will never become law what exactly we mean and I mean when I indicate that.

There have been an enormous number of bills that have passed the House of Representatives. As an example, repealing the Affordable Care Act, ObamaCare, taking health care away from tens of millions of Americans—that has passed this House in one form or another 64 times. So 64 times the House of Representatives has voted to repeal the Affordable Care Act. That is clearly what people who have been elected to the House have decided to do.

The House of Representatives alone, however, doesn't get to make the law. We have the United States Senate and we have a President. The United States Senate usually requires, as a procedural matter, 60 votes to move legislation forward. And of course, even after a bill in the same form passes the House and the Senate, for it to become law, the President needs to sign it. If the President vetoes it, it immediately comes back and will require two-thirds to override the veto.

So what we are talking about with this bill around kilns, like this one here, we are talking about a bill that probably will pass the House. I expect that that is what we are spending a whole day on. I don't think the Republicans would want to spend a whole day on it if it was going to fail. So let's assume it passes.

I have heard no indication whatsoever that the Senate is going to take this up in any way, shape, or form. In the unlikely event that the Senate takes it up, they have the challenge of getting 60 votes.

The bill had no bipartisan support in committee. It is hard to see how they would get enough Democratic support in the Senate to get the 60 votes to pass the bill. Even if they somehow did,

President Obama and the administration is, of course, against providing a stay against their own rule that they promulgated. Therefore, we are spending an entire day doing nothing, talking about brick kilns, fiddling while Rome burns.

The American people are upset, Mr. Speaker. The American people want this Congress to tackle the issues that affect them and their family around their kitchen table: rising rents and mortgage prices; maybe the mom or the dad or the kids lost their job and need to get back to work; making sure that they have a way to commute to work every day, and that our roads and bridges are strong, and they spend a minimal amount of time in traffic so they can spend more time with their family or at work earning money; balancing our budget deficit to secure a strong financial future for our country; making sure that Medicare and Social Security are there and safe, not only for today's retirees, but for the next generation and the next generation of American retirees; securing our southern border and replacing our broken and nonsensical and costly immigration system with one that works for America to make us more competitive, generate more revenues, unites families, and reflects our values as a Nation of immigrants.

We could be doing any of those things. We could be debating any of those things. No one says they are easy. It starts with time to debate here on the floor of the House. What a great way to spend a day, a Thursday.

By the way, Speaker RYAN and the Republicans don't even have us working Friday, tomorrow. They are sending us all home on Thursday, after spending a day debating brick kilns. We are not even debating anything tomorrow, Friday, or Monday or Tuesday or Wednesday or Thursday or Friday of next week.

I mean, look, the American people would love this kind of job which the Republican majority has given themselves with the congressional calendar where we have worked 3½ days this week, get Friday off, all of next week off, and spend a whole day debating brick kilns, rather than the issues that the American people care about.

That is what is going on here. That is why Congress has such a low approval rating.

Well, look, let's begin by debating the issues that people care about. They are hard. I get that. Fixing our broken immigration system, balancing our budget deficit, securing Medicare and Social Security, are not easy issues.

But why don't we spend a day doing that, today, all day, having ideas from both sides of the aisle, having Members speak about their plans to make America better and stronger, rather than debating a court procedure, a stay on brick kilns, all day, and then rewarding ourselves with a day off tomorrow.

Job well done, Congress. We did a court procedure on brick kilns as our

work product and, for that, we deserve a week and a half off.

That is the job that Congress has defined for itself, and it is why the American people are so outraged.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule that would require the Republicans to stop their partisan games and hold hearings on the budget proposal, the President's budget.

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

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

There was no objection.

Mr. POLIS. Mr. Speaker, if we pass this previous question motion that I am making, we can actually begin the important discussion of how we can bring our budget into balance and restore fiscal responsibility.

Let's have hearings on the President's budget proposal. Let's talk about the tradeoffs around investments and savings. Let's have those meaningful discussions, rather than to spend an entire day on brick kilns, and then giving ourselves a week and a half off.

We can still salvage this Congress for the American people. We can restore trust in the integrity and the desire of the American Government to do good and tackle the big issues we face. I am confident we can.

That can begin by passing my previous question motion and getting to debate about the budget and balancing our budget and the tradeoffs and investments in our future, rather than debating kilns and giving ourselves a week and a half off.

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

□ 0945

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

I was very interested to hear my colleague talk about what makes the American people frustrated and angry right now. I have just come through a primary campaign for my seat in Alabama. I spent a lot of time with the citizens of the United States in my district. They are indeed frustrated and angry, and let me tell you why. They are frustrated and angry because we have a government in the Federal sphere that is out of control, and it is taking away their jobs.

This regulation will take away jobs from people in Alabama. It will take away jobs from people in 38 States. That is what makes them angry: a Federal Government that cares so little about them that they would put out a regulation like this that kills jobs, that raises the price of bricks on those of us who buy them to build our homes, and the Federal Government thinks that is necessary. But we have to do this today because we have a Federal Government that doesn't understand that its role is not to do that.

So let's get back to what this really means. This is not a partisan issue. Two of the sponsors of this bill are from the other party. My colleague from Alabama (Ms. SEWELL) is a sponsor of this bill and the gentleman from Georgia (Mr. BISHOP) is a sponsor of this bill because they understand it is going to hurt their constituents. It is going to hurt the average working person in this country.

My colleagues on the other side don't get that, and because they don't get that, there is no job too small for them, in their minds, to kill. There is no business too small for them to put out of business. There is no amount of money that they are going to increase what we consumers have to pay that is too much for them. They would kill every job, and they would hold back every consumer's ability to get a home at a decent price to get some little, small, almost nothing benefit.

There were no amendments offered as part of this debate today because none were offered in committee and none were offered to the Rules Committee. So this is not a closed debate because we are trying to close off amendments. There aren't any amendments.

Now, I heard a lot about a judicial stay. I said this in my initial remarks: saying that there is a "possibility" for a judicial stay says nothing about the practicality of it. I addressed that in my opening remarks. Let me just tell you, as a practical way, it is almost impossible to get this stay. Yet, when they got a stay several years ago, it was so late in the game that the brick industry had to go ahead and make all the changes, which cost jobs and increased the price of bricks for the rest of us.

Here is the truth. My colleague said that there is an obligation to have a rule here. There is already a rule on particulate matter, and most of the benefits in the rule that has been proposed here are to particulate matter. It is already regulated.

And, oh, by the way, when that prior regulation that was turned back by the Supreme Court was put out there and the industry had to go ahead and comply with it, they had already reduced emissions by over 90 percent.

So what we are talking about in this regulation is another effort to get at some small, little, almost imperceptible benefit at the cost of hundreds, if not thousands, of American jobs. I am astonished that this administration is so insensitive to that. The people of America are angry and frustrated because of that.

Now, I know that we are going to be having debates about some of the issues that my colleague talked about, and I am looking forward to those debates. But to the people who work in the industry, this is an important issue. It may not be important to other people in this House, but it is important to people that work for these brick businesses. It is important to me as a consumer looking at what it is going to cost me for buying new bricks.

So I would hope that there would be greater sensitivity from this administration for my colleagues in this House to people who are being hurt by this rule, and I hope that we will all take this very seriously as the important issue that it is.

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

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

Mr. Speaker, I want to, first of all, congratulate the gentleman from Alabama. He had a recent election and triumphed, and, of course, we will be excited to continue to serve with him.

When we run, it is difficult. We have our ear to the ground, and we hear people. The gentleman mentioned that people were angry back home. I think there are a lot of people in my district that are angry, too. But again, I want to ask the gentleman: Is what they were angry about this brick kiln rule, or were they angry about the failure of Congress to secure our borders and the failure of Congress to balance our budget, all those things? I want to ask whether what you heard about in that anger was about brick kilns, or was it about other issues.

I yield to the gentleman from Alabama.

Mr. BYRNE. Mr. Speaker, they are angry about a Federal Government that is overreaching and hurting them. That is what they are angry about.

Mr. POLIS. Did anybody who was angry bring up brick kilns as something they were angry about?

I yield to the gentleman from Alabama.

Mr. BYRNE. Mr. Speaker, they brought up the EPA over and over again. I hear about the EPA everywhere I go.

Mr. POLIS. Mr. Speaker, reclaiming my time, as I indicated, it would be an appropriate discussion for us to talk about the statutory obligations of EPA. We might have differing opinions. I think they should have the authority, we should remove the small site exemption, and they should look at emissions from the fracking industry and the extraction. But that is a valid discussion to have.

Instead of that, we are saying you are doing what we told you to do, but we want to grant a stay. So Congress, under the EPA in section 112, directed the EPA under the Clean Air Act to promulgate these regulations. President George Bush did so. They were tossed out, and now there is a new set of regulations going forward to implement what Congress wanted the EPA to do.

Now, if the gentleman from Alabama doesn't want the EPA to do that, let's have that discussion about EPA's authority. I am happy to do it. I have ideas. Maybe there are some areas the EPA shouldn't have that mandate authority. There are other areas, like making sure we look at emissions from fracking where we need enhanced authority because there is something

called the small site exemption in the Clean Air Act, where, even though each particular fracking pad has a very small contribution to air quality, when you start having thousands of them in a limited area—which we do—it starts looking a lot less like a couple automobiles and a lot more like a large industrial factory. So they shouldn't be exempt just by nature of being small, because when you have a lot of small things, it equals not only one big thing, it equals 10 big things and 100 big things.

We have over 40,000 active wells in the greater Weld-Larimer County area alone, and there is an enormous impact on our air quality, which is exempt under the small site exemption.

So again, section 112 directs the EPA to promulgate these rules. If we want to open up the mandate that Congress has given the EPA, let's have that discussion.

As an individual legislator, I might trade you this brick kiln authority if we can close the small site exemption. I would say, fine; my constituents care more about closing that small site exemption than they do if there are two brick kilns in our entire State. So I think, in general, my constituents and Coloradans care more about making sure our air quality is good and protected with regard to the emissions from the fracking activity than from the two brick kilns. So I would be open to that as a legislative compromise. That is how legislation is made. But we are not allowed to have that debate.

The gentleman mentioned, oh, no amendments were brought forward. Guess what? We did a motion in the Rules Committee—I am sure the gentleman from Alabama remembers—yesterday to do an open rule on this. If that had passed—and it failed on a partisan vote. Not a single Republican voted to allow an open rule on this bill. If that had succeeded, if that had passed, that open rule the Democrats wanted, we could then introduce amendments like the ones that I mentioned to talk about the authority of the EPA or other issues that we have to improve the statutory requirements in charge of the EPA. Right on the floor, we would have the opportunity to do that. Instead, we have an entire day on brick kilns without even being allowed to introduce amendments that affect our clean air and water in any way, shape, or form. I think we can do better.

The gentleman also asked what the impact of the brick kilns on this is. The EPA estimates that the brick and clay rule would reduce national air toxins by approximately 375 tons in 2018. Again, that is what Congress has told the EPA to do under the Clean Air Act.

If Congress wants the EPA to do something different, let's have that discussion, section 112, other sections of the Clean Air Act, of the mandate that Congress has given the EPA. Let's not use a court procedure, a stay, that

won't become law to short-circuit something that Congress has told the EPA to do. It is positively schizophrenic for Congress to require an agency to do something and then say we are not going to allow you to do what we told you to do.

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

Mr. BYRNE. Mr. Speaker, if I heard the gentleman correctly, he wants an open rule. Let me restate: we had no amendments offered at the committee of jurisdiction and no amendments offered before the Rules Committee, so that would fly in the face of our desire here to have regular order. What he has proposed is not regular order. He is proposing chaos, and I don't think the American people want us to be in chaos around here.

Mr. Speaker, I yield 5 minutes to the gentleman from the great State of Illinois (Mr. SHIMKUS), a great conservative leader.

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman for the time to speak on the rule.

Our process for a bill to get to the floor is it has to go through the Rules Committee. This was a very, very important bill. It was interesting in the debate, listening to the sides, because there is an argument by constituents of having clean bills: one bill, one issue, simply understood, vote on it, instead of this horse trading that sometimes gets proposed: you give me this for my giving you that. I can tell you one thing, I know in my district they really don't like this. They want us to be accountable for a bill.

I also get frustrated with how easy it is to throw away jobs: I only have blank kilns in my State. Those are good-paying jobs for families, and they are important to the fabric of those communities. Just to say, "Look, I have only got two. I don't really worry about them. Let's trade them off" is really troublesome, and I am sorry we fall into that type of debate.

This is really part of a bigger debate in that the courts have already done this with the Clean Power Plan, the climate change bill. The debate is, "Okay. EPA, you can do the regulation. Do the regulation." What the EPA likes to do is do the regulation; and they play this game: "We know it is not legal, so we will impose the regulation. We know it is not legal. We are going to force industry to comply," and then when the courts say it is not legal, they have already gone too far, and the jobs have been lost.

That is factual. That is what happened in 2003. That is what happened when the EPA promulgated the MACT rules in 2003. The rules were vacated by the Federal court in 2007—vacated—which means you can't do it. But the industry already was forced to do it, either to spend millions and millions of dollars, or they had to close.

So fast-forward. Where are we today?

The courts have done this on the Clean Power Plan, the big climate change rule. What the Court just said for the first time, the Supreme Court said: No, we are not going to force the States to implement the Clean Power Plan until it is litigated in the courts. They put a stay on everyone and said: Don't do anything. Let's have the legislative-judicial debate and fight.

That is what this bill does. Let's just have the litigation on the legality of this new rule. If it comes up that it is legal, then the industry is going to have to comply. But if it comes out that it is not legal, guess what. We are going to save jobs. We are going to save communities, and we are going to save the family income for two kilns in a State or maybe more, depending upon the brick-producing capability of individual States.

So I am down here just to thank the Rules Committee for bringing this bill to the floor.

I look forward to the debate. It is much more than brick kilns. It is about when can the EPA force a company to do something. We would hope they could only do it after it has been ruled legal by the courts if someone challenges a rule, and that is what this does.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

□ 1000

There is a way that our process works around here. If a rule is illegal, it will be tossed out by the courts. George Bush's attempt to implement the Clean Air Act, section 112, around brick kilns was tossed out.

What this bill does is says that, so long as there is a court challenge, there is some sort of presumption that the rule be tossed out and, therefore, an indefinite stay.

Now, there can be challenges all the time. The minute one fails, another one can be launched. No bones about it. This would indefinitely prevent this rule from ever taking effect with regard to brick kilns.

I have to say, Mr. Speaker, I haven't heard from a single constituent on this issue. Like the gentleman from Alabama, my constituents are angry. They are angry at Congress and worried about the direction of the country.

They want Congress to replace our broken immigration system with one that works and secure our southern border. They want Congress to return to fiscal responsibility and balance our budget. They want to make sure that college is affordable for the next generation. They want to make sure they have good jobs here at home.

They want to make sure that we encourage companies to locate and grow here in America rather than take tax advantages for relocating overseas or inverting their headquarters to occur overseas, as occurs with today's Tax Code. Those are some of the many issues that my constituents want me to talk about here.

I just had a townhall meeting last week in Fort Collins, Colorado, the biggest city in my district. About 100 people came. Not a single person was angry about brick kilns.

But, yes, there was a lot of anger there about some of the issues I indicated: people frustrated with why Congress refuses to act on making college more affordable, why Congress has refused to act in making sure that Medicare and Social Security are there for the next generation, and why Congress doesn't put our country on the course of fiscal responsibility and reduce our debt-to-GDP ratio.

But, instead, we are debating a bill that won't become law without allowing amendments here on the floor. That is what a closed rule means. If it was an open rule, I would be able to offer my amendment to close the small site exemption with regard to fracking, but I can't.

We are debating a bill that won't become law, attacking a rule that is merely implementing what Congress has told not just this President, but any President, to do. George Bush tried. Obama tried.

It is because Congress, under the Clean Air Act, tells the executive: You have to do this under section 112. And then, when they do it, there is the issue that went through the courts.

That is appropriate. That is their role. But when they implement what Congress has told them to do, we are saying: No. There is an indefinite stay.

That is what this bill would do.

I know, Mr. Speaker, regardless of what they think about any of the policies or rules put out by this administration or any administration, it is not the place of Congress to issue stays on rules. It is the role of the courts.

The Constitution established three branches in our government for a reason under our Constitution. It is the courts' job, not Congress' job, to interfere with the legal process.

It is not Congress' job to take that responsibility away from the judicial branch, especially with a bill that would actually encourage more frivolous litigation by rewarding frivolous litigation and endless appeals when we already have too much of that in our court system.

Mr. Speaker, I urge my colleagues to vote "no" to defeat the previous question, which, if we succeed on that vote, we can immediately get to hold hearings on the President's budget proposals.

I urge my colleagues to vote "no" on the rule as well, again, a closed rule, not allowing amendments here on the floor of the House.

I yield back the balance of my time.

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

The American people are sick and tired of a Federal Government that is out of control. I can't imagine the Founders of this country in that constitutional convention in Philadelphia in 1787 saying: Now, let's think about a



government agency established under our Constitution that is going to regulate bricks.

No wonder the American people look at the Federal Government and say: Have you lost your mind? What are you doing?

These other issues that my colleague talked about are important. But we have to stop here in this Congress to deal with another out-of-control Federal agency—and the EPA is one of the most out-of-control Federal agencies—to protect the American people and, yes, to protect their jobs, to protect the consumers of America from unreasonable increases in the cost of things like bricks because another agency has done something to them.

Yes, I think the American people are sick and tired of that, and I do think it is the role of this Congress to do something about it.

The EPA would have no power except for the fact that this Congress has delegated its own legislative power to the EPA. Indeed, it is our role to not only provide oversight to that power but, on particular occasions, to take it back.

Frankly, in my judgment, we don't take it back enough. If we took it back more, we would be protecting the American people more and their jobs and the cost of things that they buy every day.

I understood what my colleague just said. I heard it. But once again I don't think he is thinking about those people who work for these brick companies and I don't think he is thinking about the consumers of America, who are ready for the Congress to do its job to protect them. This is one way that we can do that.

Mr. Speaker, I again urge my colleagues to support H. Res. 635 and the underlying bill.

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

AN AMENDMENT TO H. RES. 635 OFFERED BY  
MR. POLIS OF COLORADO

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

SEC. 4. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 624) Directing the Committee on the Budget to hold a public hearing on the President's fiscal year 2017 budget request with the Director of the Office of Management and Budget as a witness. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Budget.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of House Resolution 624.

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. BYRNE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. RIBBLE). 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. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the resolution, if ordered, and suspending the rules and passing S. 1826, if ordered.

The vote was taken by electronic device, and there were—yeas 233, nays 174, not voting 26, as follows:

[Roll No. 106]

YEAS—233

Abraham	Graves (MO)	Palmer
Aderholt	Grothman	Paulsen
Amash	Guinta	Pearce
Amodei	Guthrie	Perry
Babin	Hanna	Pittenger
Barletta	Hardy	Poe (TX)
Barr	Harper	Poliquin
Barton	Hartzler	Pompeo
Benishek	Heck (NV)	Posey
Bilirakis	Hensarling	Price, Tom
Bishop (MI)	Hice, Jody B.	Ratcliffe
Bishop (UT)	Hill	Reed
Black	Holding	Reichert
Blackburn	Hudson	Renacci
Blum	Huelskamp	Ribble
Bost	Huizenga (MI)	Rice (SC)
Boustany	Hultgren	Rigell
Brady (TX)	Hunter	Roby
Brat	Hurd (TX)	Roe (TN)
Bridenstine	Hurt (VA)	Rogers (AL)
Brooks (AL)	Issa	Rogers (KY)
Brooks (IN)	Jenkins (KS)	Rohrabacher
Buchanan	Jenkins (WV)	Rokita
Buck	Johnson (OH)	Rooney (FL)
Bucshon	Johnson, Sam	Ros-Lehtinen
Burgess	Jolly	Roskam
Byrne	Jones	Ross
Calvert	Jordan	Rothfus
Carter (GA)	Joyce	Rouzer
Carter (TX)	Katko	Royce
Chabot	Kelly (MS)	Russell
Chaffetz	Kelly (PA)	Salmon
Clawson (FL)	King (IA)	Sanford
Coffman	King (NY)	Scalise
Cole	Kinzinger (IL)	Schweikert
Collins (GA)	Kline	Scott, Austin
Collins (NY)	Knight	Sensenbrenner
Comstock	Labrador	Sessions
Conaway	LaHood	Shimkus
Cook	LaMalfa	Shuster
Costello (PA)	Lamborn	Simpson
Cramer	Lance	Smith (MO)
Crawford	Latta	Smith (NE)
Crenshaw	LoBiondo	Smith (NJ)
Culberson	Long	Smith (TX)
Curbelo (FL)	Loudermilk	Stefanik
Davis, Rodney	Love	Stewart
Denham	Lucas	Stivers
Dent	Luetkemeyer	Stutzman
DeSantis	Lummis	Thompson (PA)
DesJarlais	MacArthur	Thornberry
Diaz-Balart	Marchant	Tiberi
Dold	Marino	Tipton
Donovan	Massie	Trott
Duffy	McCarthy	Turner
Duncan (SC)	McClintock	Upton
Duncan (TN)	McHenry	Valadao
Ellmers (NC)	McKinley	Walberg
Emmer (MN)	McMorris	Walden
Farenthold	Rodgers	Walker
Fincher	McSally	Walorski
Fitzpatrick	Meadows	Walters, Mimi
Fleischmann	Meehan	Weber (TX)
Fleming	Messer	Webster (FL)
Flores	Mica	Wenstrup
Forbes	Miller (FL)	Westerman
Fortenberry	Miller (MI)	Whitfield
Fox	Moolenaar	Williams
Frelinghuysen	Mooney (WV)	Wilson (SC)
Garrett	Mullin	Wittman
Gibbs	Murphy (PA)	Womack
Gibson	Neugebauer	Woodall
Gohmert	Newhouse	Yoder
Goodlatte	Noem	Yoho
Gosar	Nugent	Young (AK)
Gowdy	Nunes	Young (IA)
Granger	Olson	Young (IN)
Graves (GA)	Palazzo	Zeldin

NAYS—174

Adams	Ashford	Bera
Aguilar	Becerra	Beyer

Bishop (GA)  
Blumenauer  
Bonamici  
Boyle, Brendan  
F.  
Brady (PA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael  
F.  
Duckworth  
Edwards  
Ellison  
Eshoo  
Esty  
Farr  
Fattah  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Graham

Grayson  
Green, Al  
Grijalva  
Gutiérrez  
Hahn  
Hastings  
Heck (WA)  
Higgins  
Himes  
Honda  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lee  
Levin  
Lewis  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowe y  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maloney,  
Carolyn  
Maloney, Sean  
Matsui  
McCollum  
McDermott  
McGovern  
McNerney  
Meng  
Moulton  
Murphy (FL)  
Nadler  
Neal  
Nolan  
Norcross

O'Rourke  
Pallone  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree  
Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Rice (NY)  
Richmond  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schrad er  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Sherman  
Sinema  
Sires  
Slaughter  
Speier  
Swalwell (CA)  
Takai  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—26

Allen  
Bass  
Beatty  
Cárdenas  
Costa  
Engel  
Franks (AZ)  
Graves (LA)  
Green, Gene

Griffith  
Pitts  
Herrera Beutler  
Hinojosa  
McCaul  
Meeks  
Moore  
Mulvaney  
Napolitano

Pascrell  
Pitts  
Roybal-Allard  
Sanchez, Loretta  
Smith (WA)  
Wagner  
Westmoreland  
Zinke

□ 1026

Mrs. DINGELL, Messrs. WELCH and COOPER changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. ALLEN. Mr. Speaker, on rollcall No. 106, I was unavoidably detained. Had I been present, I would have voted “yes.”

The SPEAKER pro tempore. The question is on the resolution.

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

## RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 173, not voting 25, as follows:

[Roll No. 107]

## AYES—235

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Babin  
Barletta  
Barr  
Barton  
Benishak  
Bilirakis  
Bishop (MI)  
Blackburn  
Blum  
Bost  
Boustany  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Chaffetz  
Clawson (FL)  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comstock  
Conaway  
Cook  
Cooper  
Costello (PA)  
Cramer  
Crawford  
Crenshaw  
Culberson  
Curbelo (FL)  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Dold  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers (NC)  
Emmer (MN)  
Farenthold  
Fincher  
Fitzpatrick  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Franks (AZ)  
Frelinghuysen  
Garrett  
Gibbs  
Gibson  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)

Graves (LA)  
Graves (MO)  
Griffith  
Grothman  
Guinta  
Guthrie  
Hanna  
Hardy  
Harper  
Harris  
Hartzer  
Heck (NV)  
Hensarling  
Hill  
Holding  
Hudson  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurd (TX)  
Hurt (VA)  
Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (OH)  
Johnson, Sam  
Jolly  
Jones  
Jordan  
Joyce  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger (IL)  
Kline  
Knight  
Labrador  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
LoBiondo  
Long  
Loudermilk  
Lucas  
Luetkemeyer  
Lummis  
MacArthur  
Marchant  
Marino  
Massie  
McCarthy  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mica  
Miller (FL)  
Miller (MI)  
Moolenaar  
Mooney (WV)  
Mullin  
Murphy (PA)  
Neugebauer  
Newhouse  
Noem  
Nugent  
Nunes  
Olson  
Palazzo

Palmer  
Paulsen  
Pearce  
Pittenger  
Poe (TX)  
Poliquin  
Pompeo  
Posey  
Price, Tom  
Ratcliffe  
Reed  
Reichert  
Renacci  
Ribble  
Rice (SC)  
Rigell  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney (FL)  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Rouzer  
Royce  
Russell  
Salmon  
Sanford  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Sinema  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Stefanik  
Stewart  
Stivers  
Stutzman  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Whitfield  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Young (IN)  
Zeldin

## NOES—173

Boyle, Brendan  
F.  
Brady (PA)  
Brown (FL)  
Brownley (CA)  
Bustos  
Butterfield  
Capps  
Capuano  
Carney  
Carson (IN)

Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen

Connolly  
Conyers  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael  
F.  
Duckworth  
Edwards  
Ellison  
Eshoo  
Esty  
Farr  
Fattah  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Graham  
Grayson  
Green, Al  
Gutiérrez  
Hahn  
Hastings  
Heck (WA)  
Higgins  
Himes  
Honda  
Hoyer  
Huffman  
Israel  
Jackson Lee  
Jeffries  
Johnson (GA)  
Johnson, E. B.

Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Kildee  
Kilmer  
Kind  
Kirkpatrick  
Kuster  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lee  
Levin  
Lewis  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lujan Grisham  
(NM)  
Luján, Ben Ray  
(NM)  
Lynch  
Maloney,  
Carolyn  
Maloney, Sean  
Matsui  
McCollum  
McGovern  
McNerney  
Meeks  
Meng  
Moulton  
Murphy (FL)  
Nadler  
Neal  
Nolan  
Norcross  
O'Rourke  
Pallone  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree

Pocan  
Polis  
Price (NC)  
Quigley  
Rangel  
Rice (NY)  
Richmond  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sarbanes  
Schakowsky  
Schiff  
Schrad er  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Sherman  
Sinema  
Sires  
Slaughter  
Speier  
Swalwell (CA)  
Takai  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Van Hollen  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—25

Beatty  
Bishop (UT)  
Black  
Cárdenas  
Costa  
Green, Gene  
Grijalva  
Herrera Beutler  
Hice, Jody B.

Hinojosa  
Love  
McCaul  
McDermott  
Moore  
Mulvaney  
Napolitano  
Pascrell  
Perry

Pitts  
Roybal-Allard  
Sanchez, Loretta  
Smith (WA)  
Wagner  
Westmoreland  
Zinke

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1033

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. JODY B. HICE of Georgia. Mr. Speaker, on rollcall No. 107, I was unavoidably detained. Had I been present, I would have voted “yes.”

Mr. PERRY. Mr. Speaker, on rollcall No. 107, I was detained and missed the vote. Had I been present, I would have voted “aye.”

## LIEUTENANT COLONEL JAMES “MAGGIE” MEGELLAS POST OFFICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 1826) to designate the facility of the United States Postal Service located at 99 West 2nd Street in Fond du