

## NOT VOTING—18

Barr  
Cramer  
Cummings  
Hice, Jody B.  
Johnson, E. B.  
Lieu, Ted

Meeks  
Nolan  
Pearce  
Poe (TX)  
Polis  
Shea-Porter

Shuster  
Slaughter  
Smith (TX)  
Stivers  
Waters, Maxine  
Wilson (FL)

## □ 1339

Messrs. SCHNEIDER, SEAN PATRICK MALONEY of New York, BISHOP of Georgia, GENE GREEN of Texas, CLEAVER, ELLISON, and RUSH changed their vote from “yea” to “nay.”

Messrs. UPTON, MCCLINTOCK, WALDEN, and SMITH of New Jersey changed their vote from “nay” to “yea.”

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

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 185, not voting 18, as follows:

## [Roll No. 97]

## AYES—227

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Arrington  
Babin  
Bacon  
Banks (IN)  
Barletta  
Barton  
Bergman  
Biggs  
Bilirakis  
Bishop (MI)  
Bishop (UT)  
Black  
Blackburn  
Blum  
Bost  
Brady (TX)  
Brat  
Bridenstine  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Cook  
Costello (PA)  
Crawford  
Culberson  
Curbelo (FL)  
Curtis  
Davidson  
Davis, Rodney

Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Estes (KS)  
Farenthold  
Faso  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foxy  
Frelinghuysen  
Gaetz  
Gallagher  
Garrett  
Gianforte  
Gibbs  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Griffith  
Grothman  
Guthrie  
Handel  
Harper  
Harris  
Hartzler  
Hensarling  
Herrera Beutler  
Higgins (LA)  
Hill  
Holding  
Hudson  
Huienga  
Hultgren  
Hunter  
Hurd

Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
Labrador  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
Lewis (MN)  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marchant  
Marino  
Marshall  
Massie  
Mast  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Mullin

Newhouse  
Noem  
Norman  
Nunes  
Olson  
Palmer  
Paulsen  
Perry  
Pittenger  
Poliquin  
Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas J.  
Ros-Lehtinen

Roskam  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
Rutherford  
Sanford  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smucker  
Stefanik  
Stewart  
Taylor  
Tenney  
Thompson (PA)  
Thornberry  
Tipton

## NOES—185

Adams  
Aguilar  
Barragán  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan F.  
Brady (PA)  
Brown (MD)  
Brownley (CA)  
Bustos  
Butterfield  
Capuano  
Carbajal  
Cárdenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly  
Cooper  
Correa  
Costa  
Courtney  
Crist  
Crowley  
Cuellar  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Deutsch  
Dingell  
Doggett  
Doyle, Michael F.  
Ellison  
Engel  
Eshoo  
Españat  
Esty (CT)  
Evans  
Foster  
Frankel (FL)  
Fudge

Galleo  
Garamendi  
Gomez  
Gonzalez (TX)  
Gottheimer  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hanabusa  
Hastings  
Heck  
Higgins (NY)  
Himes  
Hoyer  
Huffman  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loebsack  
Lofgren  
Lowenthal  
Lowe  
Lujan Grisham, M.  
Luján, Ben Ray  
Lynch  
Maloney, Carolyn B.  
Maloney, Sean  
Matsui  
McCollum  
McEachin  
McGovern  
McNerney  
Meeks  
Meng  
Moore  
Moulton  
Murphy (FL)  
Nadler  
Napolitano  
Neal

Norcross  
O'Halleran  
O'Rourke  
Pallone  
Panetta  
Pascrell  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree  
Pocan  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Richmond  
Rosen  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Sherman  
Sinema  
Sires  
Smith (WA)  
Soto  
Speier  
Suozi  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

## NOT VOTING—18

Barr  
Cramer  
Cummings  
Gabbard  
Hice, Jody B.

Hollingsworth  
Johnson, E. B.  
Lieu, Ted  
Nolan  
Palazzo

Polis  
Shea-Porter

Shuster  
Slaughter

Smith (TX)  
Stivers

## □ 1346

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.

## BLOCKING REGULATORY INTERFERENCE FROM CLOSING KILNS ACT OF 2017

Mr. SHIMKUS. Mr. Speaker, pursuant to House Resolution 762, I call up the bill (H.R. 1917) 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, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 762, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-62 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

## H.R. 1917

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the “Blocking Regulatory Interference from Closing Kilns Act of 2017”.*

## SEC. 2. EXTENDING COMPLIANCE DATES (PENDING JUDICIAL REVIEW) OF RULES ADDRESSING NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING OR CLAY CERAMICS MANUFACTURING.

(a) EXTENSION OF COMPLIANCE DATES.—

(1) EXTENSION.—Each compliance date of any final rule described in subsection (b) is deemed to be extended by the time period equal to the time period described in subsection (c).

(2) DEFINITION.—In this subsection, the term “compliance date” means, with respect to any requirement of a final rule described in subsection (b), the date by which any State, local, or tribal government or other person is first required to comply.

(b) FINAL RULES DESCRIBED.—A final rule described in this subsection is any final rule to address national emission standards for hazardous air pollutants (NESHAP) for brick and structural clay products manufacturing or clay ceramics manufacturing under section 112 of the Clean Air Act (42 U.S.C. 7412), including—

(1) the final rule entitled “NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing” published at 80 Fed. Reg. 65469 (October 26, 2015);

(2) the final rule entitled “NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing: Correction” published at 80 Fed. Reg. 75817 (December 4, 2015); and

(3) any final rule that succeeds or amends the rule described in paragraph (1) or (2).

(c) PERIOD DESCRIBED.—The time period described in this subsection is the period of days that—

(1) begins on the date that is 60 days after the day on which notice of promulgation of a final

rule described in subsection (b) appears in the Federal Register; and

(2) ends on the date on which judgment becomes final, and no longer subject to further appeal or review, in all actions (including actions that are filed pursuant to section 307 of the Clean Air Act (42 U.S.C. 7607))—

(A) that are filed during the 60 days described in paragraph (1); and

(B) that seek review of any aspect of such rule.

**SEC. 3. STEP 2 COMPLIANCE DATE FOR STANDARDS OF PERFORMANCE FOR NEW RESIDENTIAL WOOD HEATERS, NEW RESIDENTIAL HYDRONIC HEATERS, AND FORCED-AIR FURNACES.**

(a) *IN GENERAL.*—The Step 2 compliance date (as such term is used in the final rule entitled “Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces” published at 80 Fed. Reg. 13672 (March 16, 2015)) is deemed to be May 15, 2023.

(b) *CONFORMING CHANGES.*—Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall make such technical and conforming changes to rules and guidance documents as may be necessary to implement subsection (a).

The SPEAKER pro tempore. The gentleman from Illinois (Mr. SHIMKUS) and the gentleman from New York (Mr. TONKO) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois.

**GENERAL LEAVE**

Mr. SHIMKUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material on H.R. 1917.

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

There was no objection.

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

Mr. Speaker, today we have a chance to help hundreds of small businesses, manufacturers, as well as thousands of employees, while also lowering prices for consumers.

I thank the bipartisan cosponsors of H.R. 1917, the Blocking Regulatory Interference from Closing Kilns Act, the BRICK Act, and urge my colleagues to support this commonsense bill.

American brickmakers literally produce the building blocks of our Nation. They are primarily small businesses, and they are often the most important employer in small communities across America, where many are located.

Like an old brick house, this industry has had to weather a lot, including a long economic downturn, that we have finally come out of, that suppressed new construction activity and, thus, brick sales for many years.

They even weathered the 2003 EPA regulation that cost many millions of dollars to comply. That regulation was later thrown out by a Federal court, but the judicial relief came too late, as the industry had already spent considerable sums to meet EPA's tight deadlines.

We don't want to see a repeat of that unfair result, but, once again, EPA has

imposed another regulation with difficult deadlines that will likely take effect before judicial review is complete.

Brickmakers have testified before the Energy and Commerce Committee that this regulation may result in layoffs and even plant closures. H.R. 1917 would simply extend the compliance deadline until after judicial review is final.

This industry has already reduced its emissions by up to 95 percent, according to a study from the U.S. Chamber of Commerce. It should not be forced to comply with another new regulation that may not withstand judicial scrutiny. We owe it to these brickmakers, their employees, and consumers of building materials to allow meaningful judicial review.

I might add that a Senate bill has been recently introduced that also provides regulatory relief for brickmakers, but it takes a somewhat different approach than our version. I pledge to work with the Senate so that we can provide timely relief to this important industry.

The bill also deals with wood heaters. As with bricks, the wood heaters industry is dominated by small business manufacturers who are often the economic anchors of rural communities, where many are located. Many wood heater buyers are low-income, rural households that rely on them to get through the winter.

In 2015, EPA set a two-step wood heater emission rule. The first step took effect in 2015 and reduced emissions in new models by up to 90 percent.

The more stringent second step is scheduled to take effect in 2020, but is causing a great deal of difficulty. Only a small fraction of the wood heating models currently available can meet the 2020 standards, and time is running out to design and certify any additional models.

One wood heater manufacturer testified before the Energy and Commerce Committee that he has already had to cut staff as a result of the 2020 deadline, and others feel there will be additional job losses if the 2020 standard is retained, but this is not just a jobs issue.

Users of wood heaters face both reduced product choice and higher prices for new models. Many would have to forgo buying a new wood heater and continue using older and dirtier ones, which undercuts the claims that the current deadline will improve air quality.

The provisions in the bill retain the 2015 standards, but extend the 2020 deadline by 3 years to 2023.

This is a reasonable fix that would avoid unnecessary economic damage while still prioritizing environmental protection.

In conclusion, the brick industry and the wood heater industry may both be small, but they are far from small to those who owe their jobs to them and to those who rely on their products.

I urge my colleagues to provide targeted relief to these two industries by supporting H.R. 1917.

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

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

Mr. Speaker, I rise today in opposition to H.R. 1917, the Blocking Regulatory Interference from Closing Kilns, or BRICK, Act.

EPA issued the Brick and Clay MACT rule in 2015, which sets maximum achievable control technology based on what is already being achieved at similar facilities.

Section 2 of the BRICK Act seeks to delay compliance with the Brick and Clay MACT until “judgment becomes final, and no longer subject to further appeal or review.”

This would incentivize frivolous litigation simply to put off having to comply with the rule.

Courts already have the ability to issue a stay of any compliance dates in a final rule. Congress should not insert itself into the judicial process.

The courts have regularly used this process. There is no reason for Congress to override it.

To date, no one has petitioned the court to stay the Brick and Clay MACT rule.

Section 3 of H.R. 1917 incorporates another bill reported out of the Energy and Commerce Committee, H.R. 453, the Relief from New Source Performance Standards Act.

This section, Mr. Speaker, delays implementation of the EPA's step 2 emission standards for three categories of wood-fueled heaters.

EPA finalized the rule in 2015. Under the rule, manufacturers have until 2020 to comply with the new standards. This bill would delay the standards until 2023.

Much like the Brick MACT, these standards are achievable.

In a recent list of devices certified under the 2015 standard, 171 devices report certified emission levels that already meet the 2020 standards.

These 2020-compliant products are both cleaner and more efficient, generating more heat per unit of wood burned and making them less expensive to operate.

By delaying these standards, Congress is unfairly punishing companies that made investments to produce cleaner, more efficient products by the original deadline.

Since these appliances typically last for 25 years or more once installed, delaying this standard will result in decades of additional pollution in and around people's homes.

The original bill, H.R. 453, was opposed by State attorneys general of New York, Maryland, Massachusetts, Oregon, Rhode Island, and the Puget Sound Clean Air Agency.

In a letter from December 12, these officials pointed out that EPA estimated the net benefits of implementing the rule at more than 100 times the costs.

Wood smoke contains considerable amounts of fine particle pollution, carbon monoxide, and other toxic pollutants.

In my home State of New York, less than 2 percent of residents heat their homes with wood, but residential wood heating accounts for 41 percent of the State's particulate emissions.

□ 1400

Because the emissions are released close to ground level and homes, there is significant human exposure, which is why this bill is also opposed by a number of public health and medical organizations.

The BRICK Act gives special treatment to a couple of industries by shifting the health and financial burdens of pollution on to the public. I urge my colleagues to oppose this bill, Mr. Speaker, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the chairman for the excellent work that he has done on the BRICK Act, and also Mr. JOHNSON, who brought this legislation forward and who has worked so closely with individuals, with companies in his district to address their concerns on this.

Now, what brings us here today is the fact that, once before, the brick industry faced an EPA rule that went on the books, hadn't gone through judicial review. This happened in 2003.

Over a period of 5 years, they began ramping up to make these changes. This is expensive because most of the brick manufacturers in our country are small businesses. They have two kilns, and they are working very, very hard to keep the jobs and keep people employed. When they look at having to change to this new equipment, the investment is going to be \$3 million, \$4 million, \$5 million, depending on the size of their business.

Now, previously, a rule went through the process of judicial review, and then it was withdrawn. What this legislation does is to say, look, let's finish this entire process before we move that expense to the industry, because when you put it to the industry and they are incurring this cost that could end up being an unnecessary cost, what happens? Brick costs more. Building materials cost more.

Who ends up paying for that? Consumers, purchasers, individuals who are buying homes, individuals who are remodeling homes, individuals who are building commercial buildings.

So what we are saying is let's exercise some wisdom. Let's exercise a little bit of experience that comes from having been here before, and let's delay until this entire process is finished.

As we have talked about bricks, we are also addressing the wood heater industry, which is a primary source of heat for many of our homes, and just

saying let's be mindful, let's be careful, let's put consumers and taxpayers in front of the bureaucrats who are looking to implement these rules and regulations.

Mr. TONKO. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I thank my friend, the ranking member, and I thank the chairman for his work on this, but I am going to rise in opposition to H.R. 1917, the BRICK Act.

This bill will delay the implementation of the EPA's final Brick and Structural Clay Products rule and the final Clay Ceramic Manufacturing rule by extending all compliance deadlines based on pending judicial review.

So what does that mean? That means it will delay implementation until judgment becomes final and not subject to review or appeal. This is a blanket extension that could have lasting negative impacts on the public's health.

Brick and clay plants, if unregulated, can be major sources of toxic air pollutants like hydrogen fluoride, hydrogen chloride, and hazardous metals, pollutants that are associated with a variety of acute and chronic health effects, including cancer. It is estimated that the final Brick and Clay MACT rule will reduce nationwide air toxics by approximately 375 tons per year.

Last Friday, the OMB issued a report showing that regulations have high benefit and low cost. The aggregate benefits of Federal regulations is between \$219 billion and \$695 billion; whereas, the aggregate costs are \$59 billion to \$88 billion. Many regulations spur innovation that benefit the economy as well as human health.

Now, it is no surprise to me that this administration and the Republicans are targeting air pollution regulations. The OMB noted that EPA rules "account for over 80 percent of the monetized benefits and over 70 percent of the monetized costs" of Federal regulation between 2006 and 2016.

Since regulations protect human health and safety and have more benefits than costs for industry, I stand in opposition to bills like this one that seek to undermine these protections. I ask my colleagues to vote "no" on H.R. 1917.

Mr. SHIMKUS. Mr. Speaker, before I yield to the next individual, I just want to say it is not a low cost to the individuals in these small communities who lose their job, and it is not a low cost to the communities that lose the tax base when these small businesses fold up and go away in small towns.

Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. HARPER), a person who also represents big parts of rural America.

Mr. HARPER. Mr. Speaker, I rise today to encourage Members to support this commonsense bill, H.R. 1917, the Blocking Regulatory Interference

from Closing Kilns Act, H.R. 1917, also known as the BRICK Act, which includes provisions that will provide a compromise approach to delaying a regulation on manufacturers of wood heaters.

Wood heaters are frequently used by households in rural America. EPA's rushed 2020 deadline would raise the price of a new wood heater on those least able to afford it. It would also restrict consumer choice, as many currently available models may not be able to meet the 2020 deadline. H.R. 1917 will not remove any regulations. It would simply extend the deadline to 2023.

Frank Moore of Hardy Manufacturing, located in my district, testified before the Environment Subcommittee in September that he and other manufacturers are working to meet the 2020 step 2 standards, but that a lack of technology is making compliance nearly impossible. In that hearing, Mr. Moore said: "... we provide jobs for about 50 people with payrolls exceeding \$2 million," and that "even if a product can meet the step 2 requirements, I believe it would not be consumer friendly, durable, or affordable."

Again, extension of this effective date doesn't remove any regulations. Extension simply provides more time for manufacturers to come into compliance with much stricter requirements. It is best for the consumers; it is best for the businesses; and it will not undo the regulations that are requested.

I hope that Members will agree that this bipartisan legislation is a compromise solution that helps small businesses and our constituents. I encourage Members to support H.R. 1917.

Mr. TONKO. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. MCEACHIN).

Mr. MCEACHIN. Mr. Speaker, every American—in fact, every human being—has the right to breathe clean air. If this Congress trammels that right in the name of corporate profits, that choice is not just an abstract moral failure, it is a concrete public health disaster, one that will cause needless suffering, especially for our most vulnerable friends and neighbors.

The regulations this bill seeks to impede are long overdue. The earliest form of the Brick and Clay rule dates back to 2003. That was more than 14 years ago, and now some of my friends in the majority are seeking even longer delays.

We have been putting pollutants into our air and we can never unring that bell, but we can do better moving forward, and we need to make those improvements sooner rather than later.

We all know that justice delayed is justice denied. Justice has already been delayed by more than a decade. We can measure that cost.

The Brick and Clay rule, in its current form, would reduce the amount of toxins in our air by hundreds of tons per year. If we delay the rule another

year, or 2 years or longer, all of our families, all of our constituents are going to be breathing dirtier and more dangerous air.

This bill is a direct attack on our right to live in a clean and healthy environment. I strongly urge my colleagues to oppose this misguided legislation.

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from the great State of Minnesota (Mr. PETERSON), a Democrat who is going to speak on behalf of part of his bill.

Mr. PETERSON. Mr. Speaker, I rise today in support of the BRICK Act, particularly section 3, which includes language from my bill to bring much-needed regulatory relief to wood heater manufacturers that are in my district and also across the Nation.

Section 3 delays the second phase of Federal emission regulations for wood heaters by 3 years. It is important to note that, since 2007, manufacturers have voluntarily invested in technology to reduce the emissions to comply with the first phase of the regulations.

I had one situation in the north part of my district where they spent I don't know how many hundreds of thousands of dollars coming up with this 90 percent reduction; and 6 months after they accomplished it, they came in with these new regulations to do another 90 percent, which can't be done, and it is going to put them out of business.

So these businessowners in my district and around the country have approached me and said, as I said, that they will go out of business if this second phase is not delayed. Some of them have already begun laying people off in towns like Greenbush, Minnesota, in my area. And in these small communities, these layoffs are devastating.

These companies already produce some of the cleanest wood heaters in the Nation, and they are telling me that the EPA has just gone too far. So I wrote this language to help these businesses, these workers, these communities that depend on the production of these important appliances, and I urge my colleagues to support the BRICK Act.

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

Mr. SHIMKUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. JOHNSON), the author of the BRICK Act.

Mr. JOHNSON of Ohio. Mr. Speaker, the majority of U.S. brick and ceramic plants are small, family-owned operations, often located in rural communities that depend on the plant for their very livelihood, for the good-paying jobs. They have built some of the most recognizable buildings, cities, and towns in existence across America, including many within my district in eastern and southeastern Ohio.

Unfortunately, these industries have borne the brunt of an unpredictable

regulatory process that is nearly two decades in the making. In 2003, the EPA required brickmakers to install expensive new equipment to comply with the Agency's Maximum Achievable Control Technology, or their MACT rule.

In 2007, after companies spent millions to implement these controls, the U.S. Court of Appeals in the D.C. Circuit vacated the rule. Our brickmakers now find themselves in a very similar situation today. In 2015, the EPA again finalized a rule requiring the industry to once again invest in similar control equipment technologies.

Additionally, this new regulation uses the emission reductions achieved under the vacated regulation as a baseline for further emission reductions. In other words, the EPA, under the former administration, chose not to recognize the great strides this industry achieved under the previously vacated rule. The Agency neglected to take this past regulatory and compliance history into consideration.

Mr. Speaker, that is simply not right. The bill before us today, H.R. 1917, the BRICK Act, ensures history does not repeat itself. This legislation simply allows for the consideration and completion of any judicial review regarding the 2015 regulation before requiring compliance.

Now, some of my colleagues across the aisle say they are worried that this legislation sets a dangerous precedent. Many of these same colleagues are also quick to recognize the very unique regulatory situation this industry finds itself in. They even go so far as to say they are sympathetic to the unique situation.

□ 1415

However, they are unwilling to support this bill that simply extends the compliance deadlines, which would give the brick and tile industries a bit of regulatory certainty while the courts complete their work.

Mr. Speaker, that logic baffles me. We need a bit of pragmatism when we approach this situation. Because if you really want to talk about a dangerous precedent, consider this: this new regulation also caps the economic productivity of the clay ceramics industry. While the former administration admitted that this regulation will not reduce emissions emitted by the industry, it decided to set new emission standards through regulations anyway.

Regulating an industry for no immediate reason or environmental benefit? Now that is a dangerous precedent. Brick manufacturers have suffered heavy losses since the recession, shedding 45 percent of jobs between 2005 and 2012, and these increased compliance costs from EPA regulations are driving more job losses and consolidations within this primarily family-owned industry.

Brick plant owners already struggle to obtain financing for plant modernization projects, and brick compa-

nies estimate that this rule will cost as much as \$100 million a year to comply. Many are worried that the financing needed to comply with this most recent reiteration of this rule will not be available, considering that the required control equipment will not improve plant productivity, nor help the bottom line.

I urge all of my colleagues to support this commonsense legislation today, and I look forward to working with my Senate colleagues to quickly address this issue. I know some recent bipartisan progress has been made in the Senate between Senator WICKER and Senator DONNELLY, and I am very encouraged by that progress.

I am hopeful that this vote today will help push the Senate to act and act sooner than later. The compliance deadlines are quickly approaching, and we need a solution now to this important issue. Otherwise, Mr. Speaker, we are in danger of having to build buildings in America out of sticks and straw, or, worse yet, out of bricks imported from foreign countries.

Mr. Speaker, I urge a "yes" vote.

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

Mr. Speaker, no one wants to shut down these businesses, but H.R. 1917 is the wrong remedy. We understand the circumstances, and those circumstances should be brought to the attention of the courts.

The court has the power to grant the stay of this rule. For some reason, the industry has not yet made that request, even though there are a number of pending lawsuits challenging the rule. In fact, industry petitioned the court to put their lawsuits on hold until EPA decides whether to grant their request to reconsider the rule.

The pending decisions by the court and the EPA indicate there are still a number of remedies available to address the industry's concerns, including a request to the court to stay the rule. There is no need for H.R. 1917.

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

Mr. SHIMKUS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of the Blocking Regulatory Interference from Closing Kilns Act of 2017. This bill is very simple, Mr. Speaker, as it simply aligns the timeline for compliance with judicial review of these rules and regulations.

American businesses are finding themselves facing millions of dollars in compliance costs due to burdensome EPA regulations. It is estimated that the EPA's rules may cost the brick and ceramics industry millions annually, with the cost of compliance for the average facility at over \$4 million.

Industry won't be able to meet the requirement deadlines imposed by the rule, which is currently being reviewed

in our court system. The EPA's first attempt at a rule was vacated, but not before the industry spent millions in compliance measures that were ultimately found to be invalid.

Small brick and ceramics businesses have been the hardest hit by the first rule; and if something isn't done, many of these small businesses will be forced to close their doors for good.

H.R. 1917 would provide much-needed regulatory relief to brick and ceramics businesses by simply stating that we need to let the judicial review process move ahead before we penalize hard-working people.

I encourage my colleagues to support this bill and to support businesses all across the country.

Mr. TONKO. Mr. Speaker, I have no further speakers, and I reserve the balance of my time.

Mr. SHIMKUS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I appreciate Mr. SHIMKUS yielding. And I want to thank Chairman WALDEN, as well, for his hard work in this area, as well as Mr. SHIMKUS', and the entire Energy and Commerce Committee for their leadership in this area.

As chairman of the House Small Business Committee, I continue to hear from small-business owners all across America that compliance with regulations is one of the greatest challenges that they face, and this is, in essence, what this is.

In fact, today, I chaired a hearing on how the regulatory process is impacting small businesses. The bill before us today, the BRICK Act, would provide crucial relief to America's brick, clay, and tile industries, the majority of which are, by definition, small businesses; and we should always remember that small businesses create about 7 out of every 10 new jobs in America.

The BRICK Act would ensure that small-business owners don't have to worry about spending millions of dollars to comply with a regulation that may well be thrown out in court. I would urge my colleagues to support this important legislation.

Mr. TONKO. Mr. Speaker, I yield myself the balance of my time to close.

Mr. Speaker, Congress should not be in the business of encouraging frivolous litigation or penalizing businesses that made the necessary investments to comply with standards, especially when clean air is at stake.

Unfortunately, that is what the BRICK Act would do. These standards are achievable, long overdue, and provide considerable health benefits. It has been nearly two decades for pollution control standards for brick and clay facilities and nearly three decades since the last Federal standards for wood stoves.

We shouldn't have to choose between a giveaway to a couple of special interests over clean air for all of our constituents. Again, I urge my colleagues to oppose this bill.

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

Mr. SHIMKUS. Mr. Speaker, I yield as much time as he may consume to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I appreciate the chairman's good work on this legislation.

In my district and in many rural communities around the country, wood burning stoves and heaters are a popular heat source, and an affordable one as well; and it is a renewable fuel. And I will tell you what: the person who utilizes a wood stove to heat their home is not a special interest.

The EPA's New Source Performance Standards for products like wood and pellet stoves and wood furnaces have raised significant concerns. This regulation sets forth an unrealistic and unachievable timeline for manufacturers of these products to come into compliance with the standards in time.

I have heard from manufacturers and retailers, like England's Stove Works in Amherst County in my district, that it is not that they don't want to comply with the rule, they just simply need more time. For just one wood stove, it can take up to 6 months to complete the EPA certification process.

In the meantime, the availability of wood stoves—the affordability of this heating source for my constituents and other people in mostly rural areas, but other communities as well around the country, is going to go up.

The BRICK Act, before the House today, includes provisions from a bill that I introduced along with Representative COLLIN PETERSON, the Relief from New Source Performance Standards Act. This provision is a simple one. It simply extends the time wood stove manufacturers have to comply with Federal regulations by 3 years.

Affordable heat is important to my constituents, and Federal regulations must take into account the real world needs and time constraints of the industries that make these products and must now develop new technologies.

I urge my colleagues to vote in support of this bill today to give this industry more time and ensure consumers can choose wood heat sources to help keep their families warm.

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

Mr. Speaker, this is a good debate and discussion. It is one we had in the subcommittee; it is one we had in the full committee; and we are bringing it to the floor. It just focuses on a different way in which we view manufacturing and, really, as you heard in this debate, small manufacturers—small brick manufacturers, small wood heaters, because, as everyone knows, when you are in a big corporation, you have got lawyers and you have got—you can do an economic analysis and you can do research and development, but a lot of these folks are just small local oper-

ations, probably started by a husband and wife, probably brought on a kid and next-door neighbor.

In my opening statement, I mentioned how, in rural America, there are not a lot of businesses, other than maybe agriculture, people coming into the town; so not only are these manufacturers, they are the backbone of these small communities.

So, simply put, this bill is a combination of two. One says you really shouldn't force someone to comply with a rule and regulation until they have fought the litigation battle, because, in the example that we are talking about today, the claimants, the manufacturers, won, where either they went out of business because they were trying to comply or they had to have this excessive cost. That is issue one.

Issue two on the small wood heaters is just say they were forced to move forward in cleaner technology, increasing their environmental ability 90 percent; and we all know that the cleaner you get, the harder it is to get the last percentages. So all the folks are asking for is more time to comply.

They are both bipartisan bills. I applaud folks coming down to talk and defend those. This is an exciting time in our country. It is exciting because we are having economic growth. We are having economic growth for two reasons. One, our historic tax cuts. Fifty percent of all manufacturers of the country have said they are going to invest in capital investment. Pretty exciting.

There is optimism again. Wages are increasing. Benefits are increasing. You have people getting checks increasing or new growth capital expenses.

There is another component of this exciting time for jobs in the economy, and this other component is easing up on the assault that the EPA has done over the past decade on our manufacturing sector and our job creators.

So you put these two together, the American worker has a greater opportunity, and these are just a couple of examples of the bills we are moving today, how we can continue to make that happen.

Mr. Speaker, I urge passage of this bill, and I yield back the balance of my time.

Mr. WALDEN. Mr. Speaker, the bill before us today, the BRICK Act, makes common-sense adjustments to preserve small businesses and American jobs while still protecting the environment. This bill addresses the impact of regulations and policies aimed at brickmakers, and—particularly important to many in my home state, wood stoves.

In many parts of Oregon, we're surrounded by forests and affordable wood, so wood stoves are often the most economical way to heat a home or a ranch shop. Oregonians also know what a real air pollution crisis looks like, as we have recently dealt with the thick smoke from several very bad wildfires across the state. Compared to that, wood stove emissions are far from a crisis, especially now that

they all must comply with EPA's 2015 emissions standards. There is no reason to threaten wood heater affordability as well as industry jobs by insisting on the unworkable 2020 deadline for the next round of standards. This bill takes the sensible step of extending the deadline to 2023, thus preserving wood heater choice and affordability.

Opponents of these bills have claimed that H.R. 1917 is harmful to the environment and public health protections, but I think we need to maintain a sense of perspective.

Neither brickmakers nor wood heaters are a significant source of emissions, and both industries have already reduced emissions significantly due to earlier regulations that are not affected under this bill. For example, according to the U.S. Chamber of Commerce, the brick industry has already committed millions of dollars to install and operate controls to reduce emissions by nearly 95 percent in order to comply with previous regulations.

Perhaps most importantly, this bill does not repeal any health-based regulation—it simply makes minimal, temporal adjustments to reduce the risk of plant shutdowns, layoffs, and higher prices for consumers. We should be looking at ways to get people working, not imposing unnecessary and tough to meet regulatory timeframes that take away people's livelihoods.

We need a balanced approach. These brickmakers and wood heater manufacturers are important employers in the small communities where many are located. The data shows that there is little environmental justification for inflicting economic harm on these small businesses and their communities, and thus there is every reason to pass this bill to ensure that any such harm is avoided.

Mr. SHIMKUS. Mr. Speaker, I include the following letters in the RECORD on H.R. 1917.

CHAMBER OF COMMERCE OF  
THE UNITED STATES OF AMERICA,  
Washington, DC, March 7, 2018.

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The U.S. Chamber of Commerce supports H.R. 1917, the "Blocking Regulatory Interference from Closing Kilns (BRICK) Act of 2017." The bill would ensure that the U.S. brick industry will not be forced to comply with the Brick Maximum Achievable Control Technology (MACT) standards for air quality issued by the U.S. Environmental Protection Agency (EPA) until after judicial challenges to the rule are resolved.

EPA issued an earlier version of the Brick MACT rule in 2003, which required the brick industry to spend millions of dollars to purchase, install, and operate control equipment. Five years later, a court threw out the 2003 rule. Now brick companies are faced with having to pay to tear out the equipment they installed and install even more costly new equipment. Brick companies are rightfully worried that they may make the investment to comply with the 2015 rule, only to have it subsequently thrown out by a court. To avoid this unfair and wasteful outcome, H.R. 1917 would set a compliance date for the final Brick MACT rule after judicial challenges to the 2015 Brick MACT rule are completed and after any subsequent final rule is promulgated.

It is important that American industries are not unfairly penalized when they are compelled to comply with costly rules that are later overturned by the courts. This wasteful and unreasonable outcome must be avoided.

Sincerely,

NEIL L. BRADLEY.

NATIONAL ASSOCIATION  
OF MANUFACTURERS,  
Washington, DC, March 7, 2018.

HOUSE OF REPRESENTATIVES,  
Washington, DC.

DEAR REPRESENTATIVE, The National Association of Manufacturers (NAM), the largest manufacturing association in the United States representing manufacturers in every industrial sector and in all 50 states, urges you to support H.R. 1917, the Blocking Regulatory Interference from Closing Kilns Act of 2017 (BRICK Act), introduced by Representative Bill Johnson (R-OH).

In September 2015, the Environmental Protection Agency (EPA) issued final National Emissions Standards for Brick, Structural Clay Products and Clay Ceramics Manufacturing, often referred to as Brick MACT. It is estimated that this rule will collectively cost the brick industry, which is made up of predominantly small- and medium-sized manufacturers, more than \$100 million dollars per year.

Manufacturers support reasonable environmental policies, but need regulatory certainty to ensure that the investments made today match what regulations will ultimately require. When regulations stretch beyond what the law allows, manufacturers and other stakeholders must turn to the courts for relief. Often times compliance deadlines for disputed final regulations are too short for the legal process to fully run its course and manufacturers are forced to make investments to comply with rules that courts may ultimately throw out or send back to EPA for more work.

This is exactly the situation brick manufacturers find themselves in with this regulation, as EPA's rule requires millions in new regulatory costs within a three-year period, while the underlying regulation is being disputed in the courts—a process that could ultimately span several years. H.R. 1917 is a commonsense way to approach this issue, as it simply ensures that manufacturers will have the certainty that the investments they make are based on laws that the courts have determined are appropriate and legal. The NAM strongly urges you to support H.R. 1917.

Sincerely,

ROSS EISENBERG.

Mr. PALLONE. Mr. Speaker, I rise in opposition to H.R. 1917, the so-called "Blocking Regulatory Interference from Closing Kilns Act of 2017."

This is the first in a series of dirty air proposals on the floor this week. The BRICK Act is part of the ongoing effort by Republicans to undermine the commonsense protections found in the Clean Air Act, in order to give special breaks to polluters at the expense of public health.

We have seen this bill before. Last Congress we debated and voted on the BRICK Act: I opposed it then, and I oppose it now. Frankly, I have even more concerns with this legislation than I did in 2016.

That is because the BRICK Act was amended by the Rules Committee to include two separate attacks on clean air safeguards. Like previous versions, this version before us today would indefinitely delay standards to reduce toxic air pollution from brick and clay manufacturers. However, it now also incorporates a separate bill that would delay long-overdue pollution standards for new wood fired heaters. The only thing these bills really have in common is that they both undermine Clean Air Act protections and endanger the health of our children.

Regarding the treatment of brick and clay manufacturing facilities, the bill automatically delays implementation of EPA's final Brick and Clay rule by extending all deadlines . . . by however long it takes to complete all possible litigation. This blanket extension would be given to all facilities covered by the final rule, without regard for the merits of the legal challenges or their final outcome.

But that is not Congress' job. The courts already have the ability to issue a "stay" of any compliance dates in a final rule. Delaying a rule for legitimate reasons does not require action by Congress, but a legislative quick fix is the only remedy the proponents of this bill appear to care about.

By throwing out the existing judicial process, Republicans are giving polluters an incentive to "run the clock" on frivolous litigation, to put off ever controlling their pollution.

This is especially problematic because Administrator Pruitt has announced plans to reconsider the Brick and Clay rule, which is expected to be finalized in 2019. At that point, the pollution control standards for brick and clay facilities will be almost two decades overdue, and this bill would delay those protections even longer.

The new wood heater provision is not much better. The bill delays EPA's pollution standards for new wood-fueled heaters that have not been updated in nearly 30 years. The final rule included a gradual, five-year phase in to allow manufacturers time to adapt and develop cleaner and more efficient technologies, and the phase 2 requirements don't kick in until 2020.

These newer appliances are a win for consumers. The 2020-compliant products are both cleaner and more efficient, generating more heat per unit of wood burned and making them less expensive to operate.

But, with this provision, Republicans are picking winners and losers. They are rewarding companies that refused to clean up their dirty and inefficient products, while punishing innovative companies that invested in developing cleaner and more efficient technologies for wood heaters.

Ultimately, the BRICK Act is really more about transferring burdens than relieving them. This so-called "relief" from regulation comes at the expense of our children's health. Moreover, it doesn't reduce costs; it merely transfers them from favored businesses to the general public who will pay for more doctor visits and lost work or school days as a result.

My Republican colleagues repeatedly claim they support clean air, and yet, they continually put forward bill after bill designed to delay, weaken, or repeal safeguards that protect public health by cleaning up the air. Passing this bill allows dirty products to remain in operation for decades into the future, resulting in tons of additional pollution, and putting the health of our children and future generations at risk.

Exempting businesses from clean air rules leads to more air pollution. It is that simple. We all want small businesses to thrive, and the history of the Clean Air Act demonstrates clearly that we can grow the economy while cleaning up the air and improving public health.

Congress should not be selling out the health and safety of American children. But that is just what a YES vote on the BRICK Act would do.



I urge all my colleagues to join me in opposing this dirty air bill.

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

Pursuant to House Resolution 762, 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.

#### MOTION TO RECOMMIT

Ms. CASTOR of Florida. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. CASTOR of Florida. I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Castor of Florida moves to recommit the bill H.R. 1917 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of section 3 of the bill, add the following new subsection:

(c) LIMITATION ON PRIVATE PLANE TRAVEL.—Nothing in this Act may be construed to authorize the Administrator of the Environmental Protection Agency to charter a flight, or travel in any class of air accommodation above coach class, to, in accordance with subsection (b), make such technical and conforming changes to rules and guidance documents as may be necessary to implement subsection (a).

The SPEAKER pro tempore (Mr. CURTIS). Pursuant to the rule, the gentlewoman from Florida is recognized for 5 minutes in support of her motion.

Ms. CASTOR of Florida. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

Mr. Speaker, my motion to recommit is simple and should garner the support of all Members who dislike government waste and abuse of power.

My motion goes to the heart of the costly ethical violations by EPA Administrator Scott Pruitt and his penchant for flying first class in violation of Federal regulations and billing it to taxpayers.

He has done this at a time when he has supported cuts to EPA clean water and clean air initiatives in the communities we represent back home.

□ 1430

So my amendment is simple. It says: "Nothing in this act may be construed to authorize the Administrator of the Environmental Protection Agency to charter a flight, or travel in any class of air accommodation above coach class."

See, Federal regulations right now require government officials to consider the least expensive class of travel that meets their needs. Now, agencies are allowed to travel first class in very

rare instances, such as a flight of 14 hours or more, a medical disability, or for exceptional security circumstances if your life or government property is in danger.

Well, Administrator Scott Pruitt has abused these exceptions. This came to light after the House Energy and Commerce Committee asked the EPA Administrator to explain his costly travel records, which showed he repeatedly booked first class flights at taxpayer expense, and he hoped no one would notice. There is no adequate justification for this wasteful spending and abuse of power by Scott Pruitt. If he enjoys flying first class and staying in luxury hotels, then he should pay for it himself and not ask the taxpayers to foot the bill.

Here is what we know per press reports and committee research: last June 5, Pruitt settled into his \$1,641 first class seat for a short flight from D.C. to New York. The ticket cost more than 6 times that of the two media aides who traveled along with him and sat in coach. In Manhattan, Administrator Pruitt made two brief television appearances praising the White House's decision to withdraw from the 2015 Paris climate agreement. He stayed in an upscale hotel near Times Square and returned to Washington the next day. That Wednesday, after traveling on Air Force One for an infrastructure event in Cincinnati, Pruitt and several staffers raced back to New York on a military jet, at the cost of \$36,000, to then catch a plane to Rome. The transatlantic flight was part of a round-trip ticket for the Administrator that cost over \$7,000, according to EPA records, several times what was paid for other officials who went.

In total, the taxpayer-funded travel for Pruitt and his top aides during that stretch in June cost at least \$90,000, thanks to the Environmental Integrity Project, which got the records. His travel practices are quite different from previous EPA Administrators', who very rarely traveled first class and always announced their travel schedule to the public.

But Scott Pruitt's travel is different. It is secretive, it is costly, and it is frequent. In fact, we have come to learn that this year he plans to travel to Israel, Australia, Japan, Mexico, and possibly Canada. None of those have been officially announced, but we have been digging. Pruitt rarely discloses where he plans to be.

So, at the request of congressional Democrats, the EPA's Office of Inspector General is conducting probes of Pruitt's travel. He has attempted to justify his luxury travel by noting that he has been approached by people in the airport numerous times to talk about his environmental record. However, it is unclear why this justifies purchasing first class tickets.

These new justifications also contradict previous explanations of this questionable travel as a way of pro-

viding an opportunity to hear directly from people affected by the EPA. The Administrator simply prefers to be wasteful with taxpayer dollars.

We have asked about other conflicts of interest. He has continually sided with dirty energy and chemical companies, so it is no matter that members of the public would like to discuss these pressing issues with him. According to the Environmental Integrity Project, new travel records shared with the media show Pruitt and EPA employees spent up to \$150,000 on premium commercial and chartered flights just in a 6-month period.

So, Mr. Speaker, Administrator Pruitt says he will start flying coach after all the attention it has garnered, but he hasn't promised to do so. Through this motion to recommit, we would like to make it permanent. We would like to hold him accountable.

And for anyone who would like to eliminate waste in government and make sure that our officials do not abuse their power, it is time to adopt this amendment, and I urge Congress to do so.

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

Mr. SHIMKUS. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, a Member uses a motion to instruct or recommit to change or amend the bill. I don't think we build and use bricks to make our airplanes, and I don't think we power our planes with wood heaters.

So what is the deal with this motion to instruct and recommit?

It is just purely politics, and it is not surprising.

Why?

Well, because Democrats want to distort us from our economic success of the Republican agenda. And it is built on two foundational principles. One is the very successful tax reform and bill that we passed in December. And Americans are seeing it. Fifty percent of all manufacturers around the country are going to invest in capital expansion. People have bigger paychecks now. They are getting bonuses.

In fact, I was on the floor last night with Illinoisans. We were reading stories from constituents about the benefits they are receiving, either in less money being taken out on taxes or increase in wages; trucking companies expanding. So it is an incredible success of optimism when we have been in an economic malaise for the past 8 years.

And that is the kind of society I want to live in. I want to live in a society where, when my kids enter the workforce, there is a job there. And I want them to say: If I work hard and play by the rules, man, there is an opportunity for me. And that is what is coming back.

There is another component to this economic success, and that is calling

off the EPA dogs who have been attacking the job creators in our country over the past 8 years. Ease the regulatory burden, provide historic tax relief, excitement in the economy, new jobs, new energy. So I understand why my opponents on the other side would like to distort us from this record.

This motion to recommit is purely politics to do that, so that is why I ask my colleagues to reject the motion to recommit and, once we do that, support the underlying bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Ms. CASTOR of Florida. 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 2 o'clock and 38 minutes p.m.), the House stood in recess.

□ 1600

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DONOVAN) at 4 p.m.

#### 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:

The motion to recommit on H.R. 1917; and

Passage of H.R. 1917, if ordered.

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

#### BLOCKING REGULATORY INTERFERENCE FROM CLOSING KILNS ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to recommit on the bill (H.R. 1917) 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 be-

fore requiring compliance with such rule, offered by the gentlewoman from Florida (Ms. CASTOR), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to recommit.

The vote was taken by electronic device, and there were—yeas 186, nays 227, not voting 17, as follows:

[Roll No. 98]

YEAS—186

Adams  
Aguilar  
Barragan  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Blum  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan F.  
Brady (PA)  
Brown (MD)  
Brownley (CA)  
Bustos  
Butterfield  
Carbajal  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Cooper  
Correa  
Costa  
Courtney  
Crist  
Crowley  
Cuellar  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Deutsch  
Dingell  
Doggett  
Doyle, Michael F.  
Ellison  
Engel  
Eshoo  
Espallat  
Esty (CT)  
Evans  
Foster  
Frankel (FL)  
Fudge  
Gabbard

Gallego  
Garamendi  
Gomez  
Gonzalez (TX)  
Gottheimer  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hanabusa  
Hastings  
Heck  
Higgins (NY)  
Himes  
Hoyer  
Huffman  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lujan Grisham, M.  
Luján, Ben Ray  
Lynch  
Maloney,  
Carolyn B.  
Maloney, Sean  
Matsui  
McCollum  
McEachin  
McGovern  
McNerney  
Meng  
Moore  
Moulton  
Murphy (FL)  
Nadler  
Napolitano

Neal  
Norcross  
O'Halleran  
O'Rourke  
Pallone  
Panetta  
Pascarell  
Payne  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree  
Pocan  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Richmond  
Rosen  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Sherman  
Sinema  
Sires  
Smith (WA)  
Soto  
Speier  
Suozi  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tonko  
Torres  
Tsongas  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

NAYS—227

Abraham  
Aderholt  
Allen  
Amash  
Amodei  
Arrington  
Babin  
Bacon  
Banks (IN)  
Barletta  
Barton  
Bergman  
Biggs  
Bilirakis

Bishop (MI)  
Bishop (UT)  
Black  
Blackburn  
Bost  
Brady (TX)  
Brat  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess

Costello (PA)  
Crawford  
Culberson  
Curbelo (FL)  
Curtis  
Davidson  
Davis, Rodney  
Denham  
Dent  
DeSantis  
DesJarlais  
Diaz-Balart  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Estes (KS)  
Farenthold  
Faso  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Fox  
Frelinghuysen  
Gaetz  
Gallagher  
Garrett  
Gianforte  
Gibbs  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Griffith  
Grothman  
Guthrie  
Handel  
Harper  
Harris  
Hartzler  
Hensarling  
Herrera Beutler  
Higgins (LA)  
Hill  
Holding  
Hollingsworth  
Hudson  
Huizenga  
Hultgren  
Hunter  
Hurd  
Issa  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)

Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
Labrador  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
Lewis (MN)  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marchant  
Marino  
Marshall  
Massie  
Mast  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Mullin  
Newhouse  
Noem  
Norman  
Nunes  
Olson  
Palazzo  
Palmer  
Paulsen  
Perry  
Pittenger  
Poliquin  
Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)

NOT VOTING—17

Barr  
Bridenstine  
Capuano  
Cárdenas  
Cramer  
Cummings

Hice, Jody B.  
Lieu, Ted  
Meeks  
Nolan  
Pearce  
Poe (TX)

□ 1624

Messrs. GROTHMAN, BOST, GRIF-FITH, FRELINGHUYSEN, BARTON, HOLLINGSWORTH, ALLEN, THOMAS J. ROONEY of Florida, CURBELO of Florida, and Ms. ROS-LEHTINEN changed their vote from "yea" to "nay."

Messrs. TAKANO, CORREA, DEFazio, HIGGINS of New York, CUELLAR, and DOGGETT changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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.