



H.R. 1917 — Blocking Regulatory Interference from Closing Kilns Act of 2017 (Rep. Johnson, R-OH)

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FLOOR SCHEDULE:

Scheduled for consideration on March 7, 2018, subject to a [closed rule](#).

The Rules Committee Print includes language for H.R. 1917 as well as language for H.R. 453 in section 3.

The rule also provides for consideration of H.R. 1119, the Satisfying Energy Needs and Saving the Environment Act.

TOPLINE SUMMARY:

[H.R. 1917](#) would delay and extend compliance dates for rules under the [Clean Air Act](#) addressing emission standards for hazardous air pollutants for brick, structural clay, and ceramic products manufactured in kilns. Section 3 of the bill, corresponding to [H.R. 453](#), would extend a compliance date by three years for a 2015 rule related to standards of performance for new residential wood heaters, hydronic heaters and forced-air furnaces.

COST:

The Congressional Budget Office (CBO) [estimates](#) that the costs of modifying existing regulations to comply with H.R. 1917 would be minimal and would not have a significant effect on the agency's workload or spending. Enacting H.R. 1917 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 1917 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

CBO [estimates](#) that enacting H.R. 453 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 453 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

CONSERVATIVE CONCERNS:

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

DETAILED SUMMARY AND ANALYSIS:

H.R. 1917 would extend each compliance date for any rule addressing national emission standards for hazardous air pollutants (NESHAP) for brick and structural clay products manufacturing or clay ceramics

manufacturing. The extension would apply to two final rules: (1) entitled “NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing” published [at 80 Federal Register 65469](#) (October 26, 2015); and (2) the final rule entitled “NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing: Correction” published at [80 Federal Register 75817](#) (December 4, 2015).

The extended time period would start 60 days after the promulgation of the proposed final rule in the Federal Register and end when judgement on a rule becomes final and is no longer subject to further appeal or review.

Section 3 of the bill would extend the compliance date by three years set forth in a rule for [standards of performance for new residential wood heaters, new residential hydronic heaters and forced-air furnaces](#) to May 15, 2023. The rule would apply to manufacturers, owners, and operators of new residential wood heaters, including residential hydronic heaters and forced-air furnaces. This section corresponds to [H.R. 453](#).

The House report (H. Rept. 115-509) accompanying H.R. 1917 can be found [here](#). The House report (H. Rept. 115-508) accompanying H.R. 453 can be found [here](#). A comparative print provided by the House Rules Committee as reported (pursuant to clause 12 of rule XXI) can be found [here](#). H.R. 1917 is similar to H.R. 4557, Blocking Regulatory Interference from Closing Kilns Act of 2016 passed in the 114th Congress by on March 2, 2016 by the yeas and nays: [238 – 163](#). The RSC’s legislative bulletin for H.R. 4557 can be found [here](#).

COMMITTEE ACTION:

H.R. 1917 was introduced on April 5, 2017, and was referred to the House Committee on Energy and Commerce. On [December 6, 2017](#), the bill was ordered to be reported by the yeas and nays: 31 – 23. H.R. 453 was introduced on January 11, 2017 and was ordered to be reported by the House Energy and Commerce Committee on [December 6, 2017](#) by the yeas and nays 32 - 21.

ADMINISTRATION POSITION:

A Statement of Administration Policy is not available.

CONSTITUTIONAL AUTHORITY:

According to the sponsor of H.R. 1917: “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3 of the U.S. Constitution, To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.”

According to the sponsor of H.R. 453: “Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3 of the U.S. Constitution.”

NOTE: *RSC Legislative Bulletins are for informational purposes only and should not be taken as statements of support or opposition from the Republican Study Committee.*