



CONGRESSIONAL  
**WESTERN CAUCUS**  
CHAIRMAN DOUG LAMALFA

# 119TH CONGRESS POLICY PLAYBOOK



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# ENVIRONMENT

## *Background*

The Congressional Western Caucus believes that a healthy environment can be achieved at the local level by entrusting landowners and opposing top-down mandates. Farmers and ranchers, miners, foresters, sportsmen depend on a healthy, sustainable, productive, and clean environment. In order to reduce global emissions, we should be producing more energy in the United States and reducing our reliance on foreign sources for our demanding economy.

## *Legislative Items to Consider in the 119th Congress*

- **NEPA Reform** - Legislation that limits the scope of what can be considered in an environmental review is crucial. This will help keep EAs and EISs focused on immediate effects of a project and not a nebulous definition of downstream effects outside the scope of assessment. The Lowering Energy Costs Act (H.R.1 - 118th Congress, Leader Scalise) contains numerous examples of this. Sec. 20202 narrows the scope of what can be considered in a NEPA review, while Sec. 20215 explicitly states that downstream emissions cannot be considered in an EA or EIS. Likewise, defining terms such as 'reasonably foreseeable' is critical for determining what is considered in an environmental review.
- **Healthy Forests** - Each year, hundreds of millions of tons of carbon are released into the atmosphere due to catastrophic wildfires. Western Caucus Members should strongly support legislation that expands active forest management to help curb the damage caused by wildfires, which will lead to improved air and water quality.

- **National Ambient Air Quality Standards** - Western Caucus members support science-based, attainable standards for air quality. In March 2024, the Environmental Protection Agency (EPA) lowered the National Ambient Air Quality Standards (NAAQS) for fine particulate matter from 12 µg/m<sup>3</sup> to 9 µg/m<sup>3</sup>, in spite of the fact an update was not necessary. Western Caucus Members should support legislation that lengthens the NAAQS PM review period under section 109(d) of the Clean Air Act from five years to ten years.
- **Emissions Reporting Requirements** - Western Caucus Members oppose burdensome emissions reporting requirements for all industries, but especially farmers and ranchers. While the Securities and Exchange Commission (SEC) excluded indirect emissions, known as Scope 3, from reporting requirements in the the final Enhancement of and Standardization of Climate-Related Disclosures for Investors rule, any future effort should be staunchly opposed.
- **Environmental Justice** - The Biden Administration has placed “environmental justice” provisions throughout federal agencies through Executive Orders 14008 and 14096. The Council on Environmental Quality (CEQ), for example, maintains an Environmental Justice Scorecard which ranks each agency on how well it does implementing EJ initiatives and policies. Unfortunately, EJ policies actually harm the poor and force the U.S. to limit its utilization of abundant natural resources. The Western Caucus supports all measures that would end EJ initiatives and proposals.



# ENERGY

## Background

The Congressional Western Caucus believes that American energy dominance can only be achieved through increased exploration and production from our federal lands and waters. Without tapping into these resources, the United States will continue to rely on other, often adversarial, nations to meet our growing demand for energy.

Oil, natural gas, and coal are traditional baseload sources of energy originating from leased lands under the framework of the Mineral Leasing Act (MLA) of 1920 to meet the multiple use mandate established by the Federal Lands Policy and Management Act (FLPMA) of 1976. Offshore energy production is authorized under the Outer Continental Shelf Lands Act (OCSLA) of 1953, which defines the outer continental shelf as those submerged lands lying three miles seaward of state coastal waters, and places them under the jurisdiction of the United States.

Interest and use in renewable energy sources, such as geothermal, solar, and wind, has increased over the last decade due to a number of regulatory and legislative actions. Geothermal leasing on federal lands is authorized under the Geothermal Steam Act of 1970, while solar and wind leasing is primarily derived from Title V (Rights-Of-Way) of FLPMA and through Resource Management Plans (RMPs) promulgated by the Bureau of Land Management (BLM). Under the Energy Act of 2020, the federal government must consume at least 7.5 percent of its total electricity from renewable sources.

[1]<https://www.eia.gov/naturalgas/crudeoilreserves/#:~:text=U.S.%20crude%20oil%20and%20lease,production%20increased%206%25%20in%202022>.



As of 2023 the United States had almost 48 billion barrels of proven oil reserves and 691 trillion cubic feet of natural gas[1] using today's technologies.

Despite this robust domestic capacity, the federal estate has been grossly mismanaged by the Biden Administration. In the last four years, we have seen a 95 percent decrease in acres leased, 92 percent drop of leases issued, and a 166 percent increase in wait times for permits.[2]

Hydropower is only considered a renewable energy source if it is "new" capacity – defined as placed in service after January 1, 1999. Most federal hydropower projects are owned and managed by the Bureau of Reclamation and the U.S. Army Corps of Engineers (USACE), with the vast majority of production occurring in the West. Half of all U.S. hydropower is generated in Washington, California, and Oregon[3]. While some do not consider hydropower a renewable source because of potential ecosystem impacts, it is a baseload, carbon-free power source.

In the 118th Congress, House Republicans – with the support of the Western Caucus – advanced policies that would expand energy production on federal lands and waters. The next section will highlight legislative actions Western Caucus members should consider supporting in the 119th Congress.

[2] BLM Oil and Gas Statistics FY2023, Table 11

[3] <https://www.eia.gov/energyexplained/hydropower/where-hydropower-is-generated.php>



### **Top Priorities for the 119th Congress**

- **Agency Clarity** - Clarity from agencies in how they make decisions is often severely lacking. By requiring agencies to be more transparent and consistent in federal permitting, applicants can make better decisions and projects will be permitted more efficiently. Bills that address this include the Federal Lands and Waters Leasing Transparency Act ([H.R. 9696](#) - 118th Congress, Rep. Higgins) which requires the Bureau of Ocean Energy Management (BOEM) to disclose its methodology to bidders when denying offshore lease sales, the Full Responsibility and Expedited Enforcement (FREE) Act, ([H.R. 8784](#) - 118th Congress, Executive Vice Chair Maloy) requires agencies to specify which actions under their jurisdiction should be eligible to receive automatic permits, and the Expedited Appeals Review Act ([H.R.10005](#) - 118th Congress, Vice Chair Hageman), which reduces the arbitrary power of the Interior Board of Land Appeals to deny permit appeals to the Interior Department.
- **Increased Federal Leasing** - Western Caucus members should pursue mandatory federal estate leasing both onshore and offshore. Examples include the Limit, Save, Grow Act ([H.R. 2811](#) - 118th Congress, Rep. Arrington) which states that the Department of the Interior (DOI) must conduct a minimum of four oil and gas lease sales in each state with land available for oil and gas leasing under applicable mineral leasing laws. If a lease sale is canceled, delayed, or deferred DOI must conduct a replacement sale. Interior must also conduct a replacement sale if, during the original lease sale, the percentage of acreage that does not receive a bid is equal to or greater than 25 percent of the acreage offered.

- **Judicial Review** - Reforms to speed up permitting timelines by preventing endless litigation and agency remands are a top priority not just for oil, but all projects that require a federal permit. Sec. 108 of the Lower Energy Costs Act ([H.R. 1](#) - 118th Congress, Leader Scalise) prevents a litigant from suing a project unless they provided a sufficiently detailed comment during the Environmental Assessment period. This section also limits lawsuits to within 120 days of a decision being published in the Federal Register.
- **Nuclear** - Congress took a big step in advancing nuclear energy with the enactment of the Accelerating Deployment of Versatile, Advanced Nuclear for Clean Energy (ADVANCE) Act of 2024 ([S. 1111](#) - 118th Congress, Sen. Moore-Capito). There is still much to be done however, especially in creating new permitting parameters for advanced technologies, including small modular reactors. Legislation that helps permitting, including removing uncontested mandatory hearings and more streamlined safety inspections, should be supported.
- **Hydropower** - Hydropower is one the cleanest and most reliable forms of electricity generation in the country. This form of energy should be expanded and protected from radical environmentalists. Legislation that would do this includes the Hydropower Clean Energy Future Act ([H.R. 4045](#) - 118th Congress, Rep. McMorris-Rogers) that would ensure a two-year hydropower relicensing timeline under FERC, and the Energy Permitting Reform Act ([S. 4753](#) - 118th Congress, Sen. Manchin), which would allow construction of a dam to commence an extra four years later under an approved permit.



# LAND ACCESS

## Background

The Western Caucus believes public lands should remain in public hands and opposes actions that restrict their use. These lands should be open and accessible not only for mineral and energy extraction, but also grazing, recreation, timber harvesting, and other uses as outlined under the Federal Lands Policy and Management Act (FLPMA). While there have been numerous attacks on public land access under the Biden administration, below is a list of the more egregious actions.

**Abuses of the Antiquities Act** - The Antiquities Act, signed into law in 1906, allows the President to designate any parcel of land in the federal government's purview and in the public's interest as a monument. This designation precludes most, if not all, activity that would normally be permissible on these lands.

Land under the authority of the Bureau of Land Management (BLM) is required by FLPMA to be subjected to a multiple-use mandate that allows for general recreation, hunting, timber, mining, grazing, and more. However, use of monument proclamations since 1996 have been warped to lock up federal lands from new mineral leases, mining claims, prospecting or exploration activities, and oil, gas, and geothermal leases.

There is no requirement that Congress approve a presidential monument designation, though Congress does have the ability to designate its own monuments. Monument designations also do not need to pass through any State, local, or tribal approval process, meaning the President may ignore formal opposition by affected entities in or check on the executive's power.



President Biden has designated eight national monuments thus far, with an expected ninth declaration in the Mimbres Peaks region of New Mexico. These designations currently exceed 4,700,000 acres.

**Resource Management Plans (RMP)/Areas of Critical Environmental Concern (ACECs)** - The Bureau of Land Management uses RMPs to direct their land management actions for a specific field office's jurisdiction around a set of stated goals and priorities. Within each Plan, BLM can designate Areas of Critical Environmental Concern. These areas are closed to numerous types of uses, in order to meet a stated land-use goal of that specific RMP. In general, ACECs are used to prevent extractive resources such as timber, mining, exploration, or grazing. The Western Caucus has compiled a list of all RMPs in the last four years, including ACEC designations, [here](#).

**Mineral Withdrawals** - A mineral withdrawal is when a land management agency removes acreage from mineral extraction consideration, often for a period of 20 years. This is typically done for political purposes under the guise of habitat protection and restoration. Notable examples include the Gulf of Mexico Planning Zone 3, Boundary Waters Area of Minnesota, Alaskan National Petroleum Reserve, and Chaco Canyon. Each of these areas contains a significant amount of mineral wealth, which make them prime targets for exploration or extraction. Knowing this, the Biden Administration chose instead to issue a mineral withdrawal, preventing any extractive industries from utilizing them.



**Grazing on Public Lands** - Livestock grazing on federal lands is a core tenet of the multiple-use mandate across the American West. This generations-long practice not only provides food for our nation but also serves to manage and conserve natural resources and the communities that depend on them. The Western Caucus supports science-based grazing management on public lands that in turn promotes sustainable rangelands, productive wildlife habitats, viable rural economies, and reduces wildland fire risk.

### **Policy Proposals**

**Antiquities Act** - Any legislation that reins in the clear abuse of the Antiquities Act should be supported. The Congressional Oversight of the Antiquities Act (H.R. 5499 - 118th Congress, Rep. Miller-Meeks) would require congressional approval for all new monuments within six months of the designation date. If Congress does not approve, the designation is removed and cannot be offered again for 25 years.

**Hunting and Angling** - While most land access for hunting and fishing is determined by the State, any federal legislation that eases access to these sports should be supported. The Protecting Access for Hunters and Anglers Act (H.R. 556 - 118th Congress, Rep. Wittman) would prohibit the Fish and Wildlife Service from banning lead ammunition and fishing tackle. Last Congress, the bill (H.R. 615) passed the House on April 30, 2024, by a vote of 214-201, but was not brought up in the Senate.

**Recreation** - Access to federal lands for recreation is a crucial tenet of our national heritage. The Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act (H.R. 6492 - 118th Congress, Vice Chair Westerman) expands broadband access at recreation sites, streamline permitting, reduce fees, prevent overcrowding, and increase accessibility for those with disabilities. It was signed into law on January 4, 2025.



# FORESTRY

## Background

The Western Caucus believes devastating wildfires are exacerbated by poor forestry policies and zealous environmental lawfare. By empowering state, local, and federal entities with the management and mitigation tools needed to reduce the damage caused by wildfires. Using categorical exclusions, hazardous fuels reduction, prescribed burns, and mechanical thinning we can accelerate the overall pace and scale of our forestry projects.

This year, over eight million acres burned in the U.S.[1] Over the past decade, these fires have escalated, destroying communities and livelihoods in the process. Federal spending on suppression efforts now exceeds \$2.5 billion annually, but the total national cost of wildfires reaches into the hundreds of billions of dollars. From 2000 to 2019, nearly 2,000 communities faced wildfire threats.[2]

Better management of our forests will also reinvigorate the timber industry that once fueled many of America's rural and remote towns, and increase the funding available to the U.S. Forest Service without raising costs for federal taxpayers.

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[1] National Interagency Coordination Center (NICC). [Www.nifc.gov](https://www.nifc.gov/nicc).  
<https://www.nifc.gov/nicc>

[2] ON FIRE: The Report of the Wildland Fire Mitigation and Management Commission. (2023). <https://www.usda.gov/sites/default/files/documents/wfmmc-final-report-09-2023.pdf>





### **Policy Proposals**

- **Comprehensive Forest Management Reform** - Western Caucus members are acutely aware of the major reform needed in forest management to combat devastating wildfires that continue to plague the West. The best example of reforms needed is the Fix Our Forests Act (H.R. 471 - 118th Congress, Vice Chair Westerman). This legislation promotes a more effective approach to federal forests by expediting environmental reviews, promoting collaboration between communities and utilities, prioritizing high risk fire areas, addressing endless litigation, establishing a national fire shed center, and strengthening forest management tools like Good Neighbor Authority and Stewardship Contracting.
- **Codify Forest Service Authority to Enter into Stewardship Contracts Prior to Completion of Environmental Review** - Both the Forest Service and the Bureau of Land Management need to accomplish more hazardous fuels reduction work. Including the preparation of the environmental analysis in the project will help the agencies expand capacity and get more work done on the ground. The Root and Stem Project Authorization Act (H.R. 674 - 118th Congress, Vice Chair Newhouse) will allow for root and stem projects to empower agencies to work with State, local, and tribal partners to complete forest management projects which complement ongoing conservation efforts, benefit communities, and protect local ecosystems.

- **Emergency Grazing** - The Congressional Western Caucus has seen firsthand the importance of animal grazing to reduce wildfire risk. Ensuring that this is a flexibility for ranchers moving forward is not only good conservation, but also a great tool to combat the devastating wildfires that are continually plaguing the West. The Utilizing Grazing for Wildfire Risk Reduction Act (H.R. 7666 – 118th Congress, Chairman LaMalfa) directs the Forest Service to expand the use of such authority in current fuels management programs.
- **Cottonwood Fix** - The 2015 Cottonwood Environmental Law Center v. U.S. Forest Service (Cottonwood) decision continues to contribute to forest degradation by severely delaying forest management actions, which has in turn hampered wildfire mitigation efforts and post-wildfire restoration projects on our public lands and in our National Forests. Urgently needed forest restoration efforts are now mired in red tape and lengthy legal challenges that can delay these projects an average of 4.2 years.[1] Western Caucus members support a permanent fix to these frivolous attacks on responsible forest management that the Cottonwood decision has empowered. Subtitle C of the Fix Our Forests Act (H.R. 471- 118th Congress, Vice Chair Westerman) addresses this very issue by setting clear criteria for judicial review of forest management decisions.
- **Firefighter Pay** - Reform to the current federal firefighter pay rate scale is needed to bring federal wildland firefighter pay in line with their State and private colleagues, and to address significant personnel retention issues. This fix was temporarily addressed in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2025 (H.R. 8998 – 118th Congress, Rep. Mike Simpson).

[3] *Understanding NEPA Litigation*. (2024, July 11). *The Breakthrough Institute*. <https://thebreakthrough.org/issues/energy/understanding-nepa-litigation>

# ENDANGERED SPECIES ACT (ESA)

## Background

The Endangered Species Act was enacted in 1973 (16 U.S.C. 1531 et seq.<sup>1</sup>, ESA) to “provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program from the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth”. The purpose of the law was to provide a means for federal investment to recover species facing population decline and/or extinction, while ensuring guardrails to protect private property rights. However, over time, the law has been utilized by environmental organizations to force their preservationist agenda on landowners and industries alike, resulting in more species listed and fewer achieving recovery.

The statute impacts federal agencies, state and local entities, private organizations, and individuals by covering federal “actions” such as funding, permitting, licensing, and the granting of easements and rights-of-ways. The ESA also establishes prohibitions on the taking of listed species, which applies directly to private individuals without the requirement of a federal nexus.

Congress last significantly amended the ESA in 1988. Despite these revisions, the main provisions remain intact and govern species conservation efforts today. Under the current framework, the ESA charges the U.S. Fish and Wildlife (USFWS) and the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NMFS, collectively “the services”) to field petitions to list species as threatened or endangered and to designate critical habitat.



In addition, the ESA requires the implementing federal agencies to “cooperate to the maximum extent practicable with the States” in implementing the Act, including “consultation with the states concerned before acquiring any land or water, or interest therein, for the purpose of conserving any endangered species or threatened species.”

Since Congress enacted the ESA, approximately 1,700 species have been listed as threatened or endangered[1], however, only three percent of these species have been considered recovered and delisted, many of which are due to data errors.[2] In FY24, the Services were appropriated just over \$503 million to conduct activities related to the conservation of listed species and other related activities. In addition, the Biden Administration has taken steps to undo the critical work done by the Trump Administration to reform the ESA. This has left Members of Congress and impacted landowners frustrated and substantially increased their appetite to find targeted and sustainable reforms to the ESA.



[1] Listed Animals. (2019). Fws.gov. <https://ecos.fws.gov>

[2] Gordon, R. (2023). Endangered Species Act At 50: A Record of Falsified Recoveries Underscores a Lack Of Scientific Integrity in the Federal Program. Western Caucus Foundation.



## **Policy Proposals**

- **Comprehensive Reform** - The Western Caucus supports legislation that modernizes the ESA to achieve its goal of recovering (by means of delisting) threatened and endangered species. This includes incentivizing wildlife conservation on private lands, protecting landowners' rights, empowering States to enact species recovery plans, requiring that removal of a species is not subject to judicial review and creating greater transparency and accountability in recovering listed species. Western Caucus worked with the House Natural Resources Committee in the 118th Congress to examine issues surrounding the ESA by forming a Joint Endangered Species Act Working Group. The ESA Amendments Act of 2024 (H.R. 9533 – 118th Congress, Vice Chair Westerman) is a comprehensive set of critical reforms to recover species.
- **Habitat Conservation** - The Western Caucus supports long-term conservation solutions to empower communities to restore and maintain habitat while benefiting species and State's wildlife action plans. Funding habitat conservation is vital to the long-term success of species, and concurrently maintaining our nation's forests. These goals can be achieved by advancing the America's Wildlife Habitat Conservation Act (H.R. 7408 – 118th Congress, Vice Chair Westerman). The legislation promotes public-private partnerships with states and local entities and allows states to develop their own recovery strategies. Additionally, voluntary conservation efforts with private entities will allow for a solution to the disastrous Cottonwood vs. U.S. Forest Service Ninth Circuit court decision.



- **Flexibility In Listing Species** - There are currently two classifications under the ESA: endangered and threatened. Section 4(d) of the Act provides flexibility for threatened species, allowing the Department of the Interior and the Fish and Wildlife Service to develop fit-for-purpose regulations to help maintain and improve threatened species' status, while simultaneously reducing undue regulatory burdens that are affecting energy development, farming, and logging activities. The Western Caucus supports legislation that expands upon this and allows for the same flexibility for endangered species. The ESA Flexibility Act ([H.R. 6784](#) – 118th Congress, Vice Chair Stauber) does just that, while still supporting responsible land use and management.
- **Consideration of Economic Impact When Listing Species** - Listing species and designating critical habitat significantly restricts development, farming, and other activities that are often overlooked when agencies consider listing species. The Western Caucus supports legislation that would require the Department of the Interior and the National Oceanic and Atmospheric Administration to consider all economic impacts when making a listing decision. The Listing Reform Act ([H.R. 1142](#) – 118th Congress, Rep. Pfluger) requires such considerations, and would be a critical step in ESA reform this Congress.

## **Delisting**

- **Lesser Prairie Chicken** - The Western Caucus supports the delisting of the Lesser Prairie Chicken, a species that has long since recovered since its listing. The continued listing has the Lesser Prairie Chicken exists only to stymy development and ignores the ongoing conservation efforts of farmers, ranchers, and the oil and gas industry who have long fought to conserve it. H.J. Res 29 – (118th Congress), introduced by Rep. Tracey Mann is a Congressional Review Act Resolution of Disapproval that would delist the Lesser Prairie Chicken. In fact, the Senate version of this CRA - S.J. Res 9 – (118th Congress), introduced by Sen. Roger Marshall this Congress was one of two CRAs that passed Congress this session. However, the President ultimately vetoed both, despite widespread support.
- **Northern Long-Eared Bat** - Western Caucus Members support the delisting of the Northern Long-Eared Bat, a bat whose decline is not caused by human harm, instead by white-nosed syndrome. H.J. Res 49 – (118th Congress), introduced by Vice Chair Stauber fought the listing of the Northern Long-Eared Bat. The Senate version of this CRA - S.J. Res 24 – (118th Congress), introduced by Senator Markwayne Mullin this Congress was one of two CRAs that passed Congress this session. However, as mentioned above, the President ultimately vetoed both, despite widespread support.
- **Grizzly Bear** - The Western Caucus supports the delisting of the Grizzly Bear (*Ursus Arctos Horribilis*) from the list of endangered and threatened species. Despite all recovery goals being met, the FWS has stalled on delisting the grizzly bear due to pressure from extreme environmental groups. The Western Caucus also supports ending the abuse of Section 10(j) of the ESA to establish experimental populations of listed species. The FWS have promulgated 10(j) rules to relocate grizzlies to the North Cascades and Bitterroot Ecosystems.

- **Gray Wolf** - The Western Caucus supports the delisting of the gray wolf by the Fish and Wildlife service so management can be returned to the states' respective wildlife agencies. The gray wolf has met all recovery metrics established by the FWS yet continues to be listed due to influence from environmental activist organizations. The Trust the Science Act (H.R. 764 – 118th Congress, Rep. Boebert) would accomplish this objective.
- **Dunes Sagebrush Lizard** - The Western Caucus supports the delisting of the dunes sagebrush lizard, as its listing is a major threat to energy production developed in the Permian Basin. All listings of species should be based in sound science and account for ongoing conservation efforts of these species. The Limiting Incredulous Zealots Against Restricting Drilling (LIZARD) Act (H.R. 4558 – 118th Congress, Rep. Pfluger) would accomplish this objective.



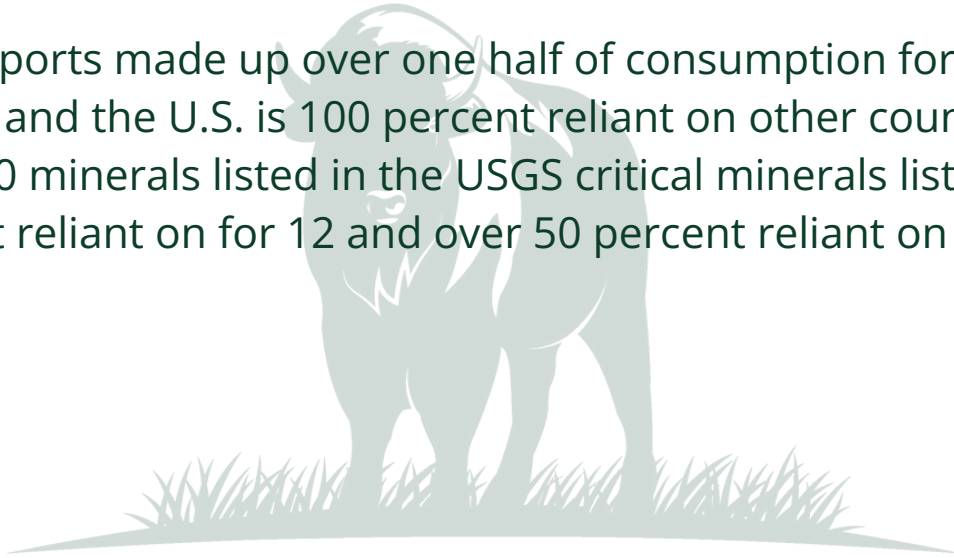


# MINING

## Background

The Congressional Western Caucus supports expanded domestic mineral extraction by onshoring supply chains and reducing reliance on foreign adversaries. The United States is naturally blessed with one of the most productive mineral estates in the world; in 2023, the total nonfuel mineral value of produced minerals was \$105 billion. Despite this robust production, we do not nearly produce enough to sustain domestic demand.

In 2023, imports made up over one half of consumption for 49 mineral commodities, and the U.S. is 100 percent reliant on other countries for 15 of those. Of the 50 minerals listed in the USGS critical minerals list, the U.S. is 100 percent import reliant on for 12 and over 50 percent reliant on another 29[1].



[1] [https://tableau.usgs.gov/views/MCSDashboardWorkbook\\_2024-01-30/MCSDashboard?%3Aembed=y&%3AisGuestRedirectFromVizportal=y#7](https://tableau.usgs.gov/views/MCSDashboardWorkbook_2024-01-30/MCSDashboard?%3Aembed=y&%3AisGuestRedirectFromVizportal=y#7)

Mining is one of the most litigated enterprises in the country. On average, it takes 29 years to build a new mine in the U.S., the second-longest in the world behind Zambia[2]. Likewise, federal land management agencies rarely permit new mines and have even cancelled existing leases. The Biden administration cancelled leases in the Superior National Forest in Northern Minnesota by instituting a 20-year moratorium spanning over 225,000 acres. The minerals located in the Duluth Complex constitute 95 percent of U.S. nickel reserves, 88 percent of U.S. cobalt reserves and 75 percent of U.S. platinum-group resources. Because of the difficulty of obtaining a mining permit, the number of applications for new mines has declined almost every year since 2011. In 2021, BLM only received 32 new mine applications, down from 72 applications it received in 2011[3].

Mining will be critical not only to any kind of energy transition, but also to the data-centric revolution quickly appearing in every state. Minerals such as copper, silver, gold, antimony, and more occur very often within the U.S. and it is critical that we establish a domestic supply chain that covers not only extraction, but also refining and distribution.

[2] <https://www.reuters.com/markets/commodities/us-mine-development-timeline-second-longest-world-sp-global-says-2024-07-18/>

[3] <https://www.eenews.net/articles/biden-wants-minerals-but-mine-permitting-lags/>



## **Policy Proposals**

- **Permitting reform** - Major permitting reform needed to modernize mining law includes judicial review reform which would limit the amount of time litigants have to file suit and limit who can file suit overall. Timelines for permits and restrictions on permit scope will also be necessary.
- **Permit by rule** - The FREE Act ([H.R. 8784](#) -118th Congress, Executive Vice Chair Maloy) would require federal land management agencies to determine which activities under their jurisdiction should qualify for automatic permits upon application, and then disburse those applications accordingly.
- **Rosemont Fix** - Legislation that makes clear that ancillary activities can take place on federally leased land is critical for domestic mining. Legislation such as the Mining Regulatory Clarity Act ([H.R. 2925](#) - 118th Congress, Vice Chair Amodei), which passed the House floor on May 8, 2024, would do just this.
- **Ambler Road** - The Ambler Mining District in Northwest Alaska is a large prospective copper-zinc mineral source with extensive deposits of critical minerals and other elements. It requires a one lane dirt road to access, but the construction of this road has been blocked. In April 2024, the Biden BLM chose not to move forward with permits for the road, effectively killing the project.
- **Superior National Forest** - The proposed Boundary Waters Mine in Minnesota is the nation's largest undeveloped copper and nickel deposit. Despite its abundant production potential for all renewable and traditional energy technologies, the Biden Administration revoked its permit. Unlocking the production of this region will be critical to U.S. mineral independence.

- **Critical Mineral List Reforms** - The United States Geologic Survey maintains a list of critical minerals which are defined as “essential to the economic and national security of the United States, has a vulnerable supply chain, and serves an essential function in manufacturing a product.” This list is updated every three years, but some members may feel that the list is incomplete. Bills such as the Copper is Critical Act ([H.R. 3885](#) - 118th Congress, Rep. Ciscomani) and the Phosphate and Potash Protection Act ([H.R. 8450](#) - 118th Congress, Rep. Kat Cammack) would add minerals to the USGS which currently are not on it.



# WATER

## Background

The Congressional Western Caucus is committed to advancing policies that strengthen water supply for rural communities in the West and beyond. In 2021 alone, nearly 90 percent of the West faced historic and catastrophic drought conditions.[1] Drought impacts nearly every individual, family, and business in rural America, and our Members support working toward both short- and long-term solutions to combat the impacts of catastrophic drought. From increasing water storage capacity to modernizing water delivery systems, we are committed to policies that increase water resiliency in the West and beyond.

As the saying goes, whisky is for drinking and water is for fighting. Since the first pioneers settled the American West, access to water has been the number one priority for these rural communities. Without reliable, consistent access, it is nearly impossible to grow crops, raise livestock, and ensure survival.

The Colorado River is a critical resource in the West, because seven basin states (Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming) depend on it for water supply, hydropower production, recreation, fish and wildlife habitat, and other benefits. Many rely on the river for municipal needs, but seventy percent of the water is depended on for agricultural uses. The Basin compact is managed by the seven states as well as the Bureau of Reclamation.

[1] Drought - Annual 2021 | National Centers for Environmental Information (NCEI). (n.d.). [Www.ncei.noaa.gov. https://www.ncei.noaa.gov/access/monitoring/monthly-report/drought/202113](https://www.ncei.noaa.gov/access/monitoring/monthly-report/drought/202113)





## **Policy Proposals**

- **Colorado River** - The Western Caucus has members on both sides of the basin with competing interests in the Colorado River negotiations. The Biden Administration released in November 2024 a bullet point list of five potential options for the watershed's long-term management ahead of its current operational guidelines expiration. Negotiations are expected to continue into the new administration, with a draft environmental impact statement is expected to be released in early 2025. Western Caucus members should not support any drastic cuts to water for agricultural uses, including alfalfa and other specialty crops.
- **Groundwater** - Western Caucus Members recognize that is not the role of the Federal government to manage or regulate groundwater. States, Tribes, and local governments have been effectively managing groundwater and water supply for decades without federal intervention. Examples of this include, but are not limited to, state and regional water plans, regulation and certification of water well drilling, and drought prevention. These non-Federal entities are the primary managers of groundwater and have deep experience in managing groundwater resources in their states and communities.
- **Waters of the United States (WOTUS)** - Western Caucus Members celebrated the Sackett decision by the Supreme Court in May of 2023. This decision forced the Army Corps of Engineers (Corps) and the Environmental Protection Agency (EPA) (collectively "the agencies") to eliminate the "significant nexus" test and narrow their interpretation of adjacency. However, the agencies have since failed to provide clear guidance on their interpretation of "relatively permanent." Western Caucus members should continue to seek clarification from the agencies in the new Congress, including answers to the questions outlined in this letter from Western Caucus members [here](#).

- **Water Storage** - Western Caucus Members know all too well the importance of water storage in seasons of drought. Whether it's for farming, drinking, wildlife habitat, or fighting wildfires, water is a critical resource that should be stored for seasons of drought. Main issues to water storage include a lack of infrastructure and the funds to build out such storage capacity. It has been shown in several western states that there are solutions to our storage problems, and that is through local collaboration from those on the ground that know it best. Western Caucus Members should push for locally led, cooperative solutions to create more storage for water.



# AGRICULTURE

## Background

The Congressional Western Caucus recognizes that agriculture impacts all Americans regardless of whether or not they live in a rural district. The economic impact of U.S. food and agriculture industries cannot be understated, contributing \$1.530 trillion in direct and indirect output for agriculture, food, and related industries.[1] These industries create jobs for 2.6 million Americans every year, while an additional 19.6 million Americans work in jobs created by associated farming and ranching industries.[2]

Farmers and ranchers are our Nation's original conservationists because their livelihoods depend on a healthy environment. Empowering producers by reducing government interference in their operations is vital to the long-term success of agriculture in the U.S. Conservation of clean water, local control, private property rights are just a few tenants of this that are vital to the viability of a strong and stable food supply for our nation.

Western Caucus Members oppose top-down mandates from the federal government to our states, farmers, and ranchers without local involvement. A fundamental principle of our Constitution is the belief that local governments are better suited to deal with local issues than a distant, out-of-touch federal government. State and local governments are closer to the people, more responsive to citizens, and better equipped for representing their constituents on many important issues. Involving state and local entities in decisions made in Washington, D.C. is the best way to ensure regulations are not overreaching

[1] Zahniser, S., & Kassel, K. (2023, January 6). What is agriculture's share of the overall U.S. economy?

[2] Agriculture and its related industries provide 11 percent of U.S. employment. (n.d.). [www.ers.usda.gov](http://www.ers.usda.gov).



American farmers have increased production by nearly three-fold since the 1940s while farm inputs, such as land usage and equipment, have remained mostly level. Farmers and ranchers are implementing the use of cover crops and crop rotation, changing tillage practices, and using precision technology to select the best fertilizer for soil conditions and to determine placement and quantity in the field. Forest landowners are improving management of the trees that produce timber, pulp and paper products, and chips and pellets for biomass energy while also providing conservation benefits that improve soil and water health, air quality, and wildlife habitat. The dynamic of their work is constantly changing, so the policies that govern them need to as well.



## **Policy Proposals**

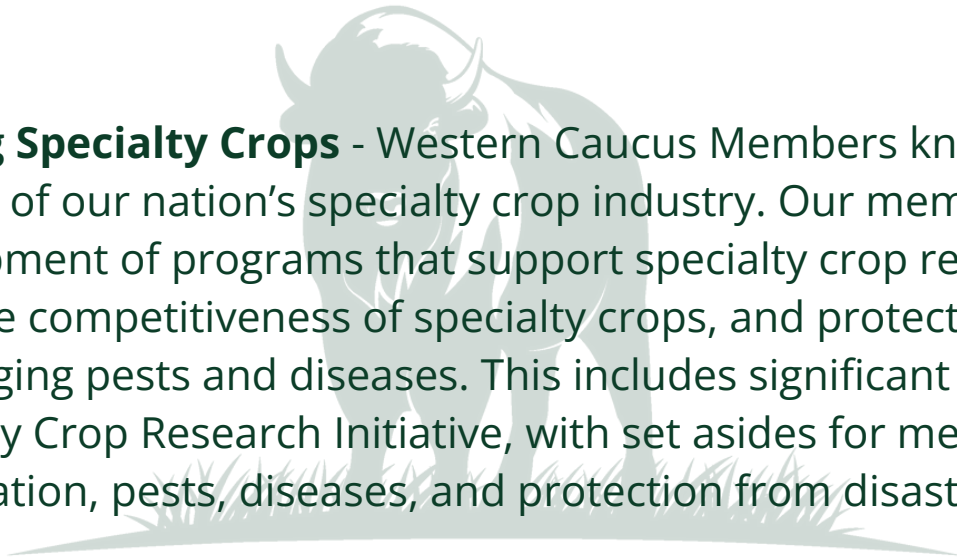
- **Adjust Commodity Reference Prices** - It is critical to shore up the farm safety net to ensure the long-term viability of our farmers as shown in Title One of the Farm, Food, and National Security Act ([H.R. 8467](#) – 118th Congress, Rep. Thompson(PA)). Congress must update these reference prices to adjust for inflation and current input costs, which remains 22 percent to 31 percent above the cost-of-production since the enactment of the 2018 Farm Bill.[1]
- **EPA Overreach** - Under the Biden-Harris Administration, the Environmental Protection Agency (EPA) has promulgated a litany of rules and guidance that have increased the regulatory burden on farmers and agricultural businesses. Western Caucus Members should support legislation that overturns harmful regulations finalized by the Biden-Harris Administration (see Rules Repeal page for a further breakdown).
- **Expanding Trade Opportunities** - Congress should reauthorize and consider expanding the Market Access Program (MAP), which is the main export promotion program and helps producers promote American agricultural products and increase exports. Additionally, the Foreign Market Development Program (FMD) plays an important role in establishing new international markets for American agricultural products in foreign countries alongside the Emerging Markets Program, and Technical Assistance for Specialty Crops. An example of this is the Agriculture Export Promotion Act of 2023, ([H.R. 648](#) – 118th Congress, Vice Chair Newhouse) which doubles the authorization and extends the MAP and FMD programs through 2029.

[1] A False Positive: USDA's Farm Income Projection | The United States Senate Committee On Agriculture, Nutrition & Forestry. (2024, September 9). Senate.gov.





- **Retain Private Property Rights** - Members of the Congressional Western Caucus believe in implementing policies that cut back on burdensome regulations that restrict private land managers from deploying voluntary conservation efforts or restrict multiple-use.
- **Scope Three Emissions Reporting** - Western Caucus Members oppose burdensome emissions reporting requirements for all industries, but especially farmers and ranchers. While the Securities and Exchange Commission (SEC) excluded indirect emissions, known as Scope 3, from reporting requirements in a final rule, any future effort should be staunchly opposed.
- **Supporting Specialty Crops** - Western Caucus Members know the importance of our nation's specialty crop industry. Our members support the development of programs that support specialty crop research, enhance the competitiveness of specialty crops, and protect specialty crops from damaging pests and diseases. This includes significant investments in the Specialty Crop Research Initiative, with set asides for mechanization and automation, pests, diseases, and protection from disaster.



- **Support Beginning Young Farmers and Ranchers** - According the 2022 Census of Agriculture, nearly one-third of U.S. producers have farmed for ten or fewer years, with an average producer age of 58 years old.[2] As more farmers retire, Congress should consider expanding programs to ensure beginning young farmers and ranchers have the support needed to navigate a troubling farm economy. The Farm, Food, and National Security Act (H.R. 8467 - 118th Congress, Rep. Thompson (PA)) includes several policy proposals to do just that, including increasing access to credit and crop insurance, supporting research and extension activities, and improving delivery of programs at USDA.
- **Repeal of Adverse Effect Wage Rate Methodology Rule** - Western Caucus Members support the repeal of the Department of Labor's Adverse Effect Wage Rate rule (AEWR). This rule went into effect on March 30, 2023 and made significant changes to the way AEWRs are calculated. Prior to the implementation of this rule, AEWRs were calculated on a state or regional basis utilizing the Farm Labor Survey conducted by the National Agricultural Statistics Service. While some of the calculations remained the same with the new rule, such as field and livestock workers, all others were changed to be calculated using the Occupational Employment and Wage Statistics survey conducted by the U.S. Bureau of Labor Statistics. What this means is that for some positions, the wage rate will no longer be state or region specific. While the Department insists this would not have major effects on H-2A employers, regional wages since implementation have since increased an average of 4.5 percent.[3]

[2] YOUNG, BEGINNING, SOCIALLY DISADVANTAGED AND VETERAN FARMERS AND RANCHERS. (n.d.). Retrieved October 31, 2024, from <https://agriculture.house.gov/uploadedfiles/ybsdvfarmers.pdf>

[3] 2025 AEWR – Labor Costs Continue to Climb. (2024). American Farm Bureau Federation. <https://www.fb.org/market-intel/2025-aewr-labor-costs-continue-to-climb>



- **Prevent Finalization of OSHA Heat Standards Proposed Rule** - These proposed standards, titled Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings, would require employers to create a plan to evaluate and control heat hazards in the workplace. Employers that employ people that work in both outdoor and indoor environments that pose heat hazards know these hazards well – and also know the importance of healthy employees to a successful operation. These employers already mandate water and heat breaks for their employees – and these proposed standards add another layer of paperwork and red tape to work that is already being done.



# BIDEN ADMINISTRATION REGULATIONS TO REPEAL

## Background

Over the last four years, the Biden-Harris administration has inflicted harm on the American West by repealing rules from the Trump administration, finalizing burdensome and top-down regulations, and forcing an extreme environmental agenda on private landowners.

With unified Republican government in the 119th Congress, the Western Caucus has an opportunity to help undo the damage done by the Biden-Harris regulatory regime. The list of regulations below are the most harmful to western and rural America and must be overturned by the Trump administration or the Congressional Review Act.

Under the Congressional Review Act (CRA), Congress can repeal regulations – and prevent substantially similar ones – by passing a joint resolution of disapproval using a simple majority in both Chambers, which is then signed (or vetoed) by the President. The CRA only applies to major regulations finalized within the last 60 days of both chambers being in session. For CRAs in the 119th, the lookback period is “early August” according to the Congressional Research Service.



### **Council on Environmental Quality (CEQ)**

**NEPA Phase II rulemaking** - This rule changes how CEQ interprets procedural provisions of the National Environmental Policy Act (NEPA). These include threshold determinations for major federal actions, EA and EIS timelines, page limits, and categorical exclusions. In essence, this rule does the opposite of the NEPA reform section above.

*The NEPA Phase II Rulemaking was finalized May 01, 2024. This means it is outside the 60 day legislative window for a Congressional Review Act Resolution and will need to be repealed by formal rulemaking from the new administration or legislation from Congress.*





## **Environmental Protection Agency (EPA)**

**Revisions to Subpart W of GHG Reporting Program** - Subpart W covers emissions from petroleum and natural gas systems. The IRA requires EPA to amend Subpart W to add new calculation methodologies to improve the accuracy of emission reporting and incorporate empirical data in preparation for the methane charge listed above, which will be calculated based on Subpart W reported data.

*The Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems was finalized on May 14, 2024. This means the 119th Congress will begin within the 60-day legislative window requirement for this resolution to be overturned using the Congressional Review Act.*

**Waste Emissions Charge** - Known as the Methane Tax, this rule places a per-ton fee on methane emissions produced from oil and gas operations and updates efficiency standards for pumps and monitoring equipment on said operations. Notably, this rule allows third party watchdogs, such as Sierra Club or Greenpeace, to monitor violators and alert the agency for possible breaches.

*The Waste Emissions Charge for Petroleum and Natural Gas Systems: Procedures for Facilitating Compliance, Including Netting and Exemptions was finalized November 18, 2024. This means the 119th Congress will begin within the 60-day legislative window requirement for this resolution to be overturned using the Congressional Review Act.*



## **National Ambient Air Quality Standards (NAAQS) for Particulate Matter -**

This rule updates and lowers the particulate matter standard from 12.5 micrograms to nine micrograms, putting vital industries in nonattainment resulting. Counties in non-attainment status will have all federal permits blocked until in attainment, effectively stopping all new infrastructure projects.

*The National Ambient Air Quality Standards (NAAQS) for Particulate Matter was finalized on December 19, 2024. This means the 119th Congress will begin within the 60-day legislative window requirement for this resolution to be overturned using the Congressional Review Act.*

**Light- and Medium-Duty Tailpipe Emissions Standards** -The EPA has finalized its tailpipe emissions rule which would require vehicle manufacturers to meet ever more stringent emissions quotas. These quotas, which are placed on a variety of chemicals that are created from the combustion within a traditional car engine, tighten every year after the finalization of the rule. The technology to meet these quotas today will drastically raise the price of car sales, trucking and shipping costs, and more. Meeting the quotas in later years is simply impossible because the technology to do so does not exist.

*The Multi-Pollutant Emissions Standards for Model Years 2027 and Later Light-Duty and Medium-Duty Vehicles was finalized on April 18, 2024. This means the regulation is not eligible to be repealed by a Congressional Review Act joint resolution of disapproval and must be undone by the Trump administration or an act of Congress.*



### **Bureau of Land Management (BLM)**

**Landscape Conservation and Health Rule** - This rule creates 'conservation' as an eligible "multiple use" FLPMA. The statute defines 'principal or major uses' as limited to grazing, fish and wildlife development, mineral exploration, rights-of-way, recreation, and timber harvesting. The rule would allow third party 501(c)3s to purchase conservation leases and block all other forms of use as defined under FLPMA. Effectively, this would allow radical environmental non-governmental organizations (NGOs) to purchase "conservation" leases and block any use of the land.

*The Conservation and Landscape Health rule was finalized May 09, 2024. This means it is outside the 60 day legislative window for a Congressional Review Act Resolution and will need to be repealed by formal rulemaking from the new administration or legislation from Congress.*



**Buffalo, WY RMP** - The BLM has developed an amendment to its Buffalo Field Office's 2019 RMP in response to a lawsuit from environmentalists in Western Organization of Resource Councils, et al. v. BLM. Specifically, it argued that the designated Coal Development Potential Area would have effects on the climate not adequately disclosed in the EIS. This RMP would close Coal Development Potential in the Buffalo field office.

*The Buffalo RMP Record of Decision was signed November 20, 2024. This means the 119th Congress will begin within the 60 legislative day window requirement for this resolution to be overturned using the Congressional Review Act.*

**Greater Sage Grouse RMP** - The Greater Sage Grouse is a bird that lives in sagebrush biomes all across the Western United States. Its range encompasses 165 million acres where federal land management agencies manage 64 percent, private land encompasses 31 percent, and states manage approximately five percent. In 2010, the Fish and Wildlife Service determined that the bird warranted listing under the Endangered Species Act, but it was not formally listed after voluntarily conservation efforts were implemented by ranchers, oil and gas companies, and other land users. The intent of this RMP is to align activities on BLM land with more stringent conservation practices that will supposedly protect the Greater Sage Grouse. This includes minimizing or outright prohibiting all energy generation, grazing, livestock management, recreation, mineral extraction, and more.

*The Greater Sage Grouse RMP Record of Decision has not been finalized for Colorado and Oregon on January 15, 2025. This means the 119th Congress will begin within the 60 legislative day window requirement for this resolution to be overturned using the Congressional Review Act. If it is not signed, the incoming administration will be able to mitigate this rule.*



**Organ Mountains – Desert Peaks, NM RMP** - This RMP would establish a complete prohibition on all land uses within the monument's boundaries, including recreation access and rights of way. This region has rich deposits of minerals including lead, zinc, copper, silver, gold, and most notably, uranium.

*The Organ Mountains – Desert Peaks RMP Record of Decision has not been signed. This means the 119th Congress will begin within the 60 legislative day window requirement for this resolution to be overturned using the Congressional Review Act. If it is not signed, the incoming administration will be able to mitigate this rule.*

**Miles City, MT RMP** - Montana has the largest estimated amount of recoverable coal in the United States, or roughly 30 percent of the deposits in the United States, and is the sixth largest coal-producing state in the nation. Similar to the Wyoming coal restriction, this RMP will further exacerbate the shortage of generation capacity, which is the leading cause of predicted capacity shortfalls in numerous regions across the country. A coal shortage would force states to retire coal plants faster, which is clearly the goal of this RMP. However, without reliable baseload backups, this will spike energy prices and decrease the reliability of grids that rely on coal.

*The Miles City RMP Record of Decision (ROD) was signed November 20, 2024. This means the 119th Congress will begin within the 60 legislative day window requirement for this resolution to be overturned using the Congressional Review Act.*

**Alaska National Wildlife Refuge** - The Biden administration has offered only 400,000 acres of the ANWR for lease, which is the minimum allowed under law. The entire region spans over 28 million acres. Locking up this resource will prohibit numerous minerals, as well as oil and gas, from being extracted.

*The Supplemental Environmental Impact Statement for the Coastal Plain Oil and Gas Leasing Program Record of Decision (ROD) has not been signed. If the ROD is not signed, the Trump administration will be able to pause the ROD and select an alternative that opens up more acres for oil and gas leasing.*





**BLM Fluid Mineral Leasing Rule** - This rule increases royalty rates and bond amounts for oil and gas leasing on federal lands. More concerning, it also establishes a 'preference criteria' for leasing activity on federal land. This criteria list is not clearly enumerated and will likely preclude oil and gas, hunting, logging, and other land use activities.

*The Fluid Mineral Leasing Rule was finalized on April 23, 2024. This means it is outside the 60 day legislative window for a Congressional Review Act Resolution and will need to be repealed by formal rulemaking from the new administration or legislation from Congress.*

### **Department of Labor (DOL)**

**Adverse Effect Wage Rate Methodology Rule** - This Adverse Effect Wage Rate rule (AEWR) rule went into effect on March 30, 2023 and made significant changes to the way AEWRs are calculated. Prior to the implementation of this rule, AEWRs were calculated on a state or regional basis utilizing the Farm Labor Survey conducted by the National Agricultural Statistics Service. While some of the calculations remained the same with the new rule, such as field and livestock workers, all others were changed to be calculated using the Occupational Employment and Wage Statistics survey conducted by the U.S. Bureau of Labor Statistics. What this means is that for some positions, the wage rate will no longer be state or region specific. While the Department insists this would not have major effects on H-2A employers, regional wages since implementation have since increased an average of 4.5 percent.

*The Adverse Effect Wage Rate rule went into effect on March 20, 2023. This means it is outside the 60-day legislative window for a Congressional Review Act Resolution and will need to be repealed by formal rulemaking from the Trump administration.*



## **U.S. Fish and Wildlife Service (USFWS)**

**Blanket 4(d) Elimination** - In 2019, the Trump administration eliminated the “blanket rule” under Section 4(d) of the Endangered Species Act that automatically provided endangered level protections to species listed only as threatened. However, the Biden administration reinstated the Blanket 4(d) rule, requiring the Fish and Wildlife Service (FWS) and National Oceanic and Atmospheric Administration (NOAA) to manage threatened species with specifically tailored plans, leading to less flexibility for landowners and stakeholders.

*The Regulations Pertaining to Endangered and Threatened Wildlife and Plants Rule was finalized April 5, 2024. This means the regulation is not eligible to be repealed by a Congressional Review Act joint resolution of disapproval and must be repealed by the Trump administration or an act of Congress.*

**Interagency Cooperation** - In 2019, the Trump administration rule established standards to ensure effects analysis for proposed actions is limited to only “activities that are reasonably certain to occur.” This removed the leeway for agencies to assume worst case scenarios for a species without “clear and substantial information” and is intended to provide a more realistic and flexible approach to benefitting a listed species. The Biden administration’s rule would eliminate this clarification.

*The Revision of Regulations for Interagency Cooperation Rule was finalized April 5, 2024. This means the regulation is not eligible to be repealed by a Congressional Review Act joint resolution of disapproval and must be repealed by the Trump administration or an act of Congress.*



**Critical Habitat** - In 2019, the Trump Administration made revisions to allow FWS and NOAA to research and share the economic impacts of a listing determination under the ESA. It also provided flexibility in defining critical habitat, allowing the agencies leeway to only designate unoccupied areas as critical habitat if necessary. The Biden administration overturned the 2019 rule and eliminated the requirement to disseminate information on the economic impact of a listing. More alarmingly, the regulation mandates the agencies may designate unoccupied areas as critical habitat.

*The Listing Endangered and Threatened Species and Designating Critical Habitat Rule was finalized April 5, 2024. This means the regulation is not eligible to be repealed by a Congressional Review Act joint resolution of disapproval and must be repealed by the Trump administration or an act of Congress.*

### **U.S. Forest Service (USFS)**

**Mature and Old Growth Forest Plan Amendments** - Forest management activities should be spearheaded at the regional level, not decided from some top-down plan that was crafted in DC. The Biden administration's irresponsible plan to limit timber harvesting and proper forest management in poorly-defined "old growth" stands mandates a one-size-fits-all plan that abandons local expertise and makes it harder to maintain forest health conditions.

*The Land Management Plan Direction for Old-Growth Forest Conditions Across the National Forest System has not been finalized. This means the regulation is eligible to be repealed by a Congressional Review Act joint resolution of disapproval, but the more likely scenario is an administrative pause by the Trump administration.*



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