HOUSE COMMITTEE ON

NATURAL RESOURCES

CHAIRMAN BRUCE WESTERMAN

To: Subcommittee on Water, Wildlife and Fisheries Republican Members

From: Subcommittee on Water, Wildlife and Fisheries staff: Annick Miller, x58331 (annick.miller@mail.house.gov), Doug Levine (doug.levine@mail.house.gov), Kirby Struhar (kirby.struhar@mail.house.gov), and Thomas Shipman (thomas.shipman@mail.house.gov)

Date: Tuesday, July 9, 2024

Subject: Legislative Hearing on **H.R. 7544, H.R. 8308, H.R. 8811**, and **a Discussion Draft of H.R. ____ (Rep. Westerman)**

The Subcommittee on Water, Wildlife and Fisheries will hold a legislative hearing on H.R. 7544 (Rep. Maloy), *"Water Rights Protection Act of 2024"*; H.R. 8308 (Rep. Harder), *"Nutria Eradication and Control Reauthorization Act of 2024"*; H.R. 8811 (Rep. Wittman), "America's Conservation Enhancement Act of 2024"; and a Discussion Draft of H.R. ____ (Rep. Westerman), *"ESA Amendments Act of 2024"*; **on Tuesday, July 9, 2024, at 2:00 p.m. in 1324 Longworth House Office Building.**

Member offices are requested to notify Lindsay Walton (lindsay.walton@mail.house.gov) by 4:30 p.m. on Monday, July 8, 2024, if their Member intends to participate in the hearing.

I. KEY MESSAGES

- Committee Republicans have made reforming and modernizing the Endangered Species Act (ESA) a policy priority of the 118th Congress.
- The U.S. Supreme Court's opinion in *Loper Bright Enterprises v. Raimondo* highlights the need for congressional specificity and thoughtful legislative work.
- The U.S. Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration has relied upon *Chevron* deference in defending ESA regulations for decades. The Westerman Discussion Draft refocuses the ESA on recovery, empowering state and private led species conservation, increasing transparency, and ensuring accountability for regulatory agencies.
- H.R. 7544 would prevent federal overreach and protect state primacy over regulating water rights within their borders.
- H.R. 8308 would reauthorize funding to combat the infestation of Nutria.
- H.R. 8811 would reauthorize conservation programs funded by the FWS and make necessary technical amendments to these programs to ensure their effective implementation.

II. WITNESSES

Panel I

- **Members of Congress TBD**

Panel II

- **Mr. Stephen Guertin,** Deputy Director for Program Management and Policy, U.S. Fish and Wildlife Service, Washington, DC (*all bills*)
- **Mr. Mauricio Guardado**, General Manager, United Water Conservation District, Oxnard, CA (*Westerman Discussion Draft*)
- **Dr. Kirk Havens,** Director of the Center for Coastal Resource Management, Virginia Institute of Marine Science, Gloucester Point, VA (*H.R. 881*)
- **Dr. Brian Steed**, Great Salt Lake Commissioner, Office of the Great Salt Lake Commissioner, Salt Lake City, UT (*H.R. 7544*)
- **Ms. Ellen Richmond**, Senior Attorney, Biodiversity Law Center, Defenders of Wildlife, Washington, DC *(ESA Discussion Draft) [Minority witness]*

III. BACKGROUND

Discussion Draft of H.R. ____ (Rep. Westerman), *"ESA Amendments Act of 2024"*

Definitional Changes and Additions

The bill would codify the Trump administration's framework for determining the "foreseeable future" when determining whether a species qualifies as threatened under the Endangered Species Act (ESA).[1] This means that when the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration (Services) consider the "foreseeable future", it can extend only so far into the future as the Services can reasonably determine that both the threats and the species responses to those threats are likely.[2] Prior to the adoption this framework, "foreseeable future" was undefined causing inconsistences in how the term was applied. The Biden administration has signaled their interest in rescinding this framework.[3]

The bill would also codify the Trump administration's definition of "habitat" as it relates to the designation of critical habitat. On December 16, 2020, the Services published a final rule "[f]or the purposes of designating critical habitat only, habitat is the abiotic and biotic setting that currently or periodically contains the resources and conditions necessary to support one or more life processes of a species."[4] This was in response to the 2018 U.S. Supreme Court decision in

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[1] 84 FR 45020

[2] *Id.*

[3] 89 FR 23919

[4] "Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat." 87 FR 37757. Federal Register: Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat

Weyerhaeuser Co. v. U.S. FWS, which stated an area must logically be considered "habitat" for that area to meet the definition of "critical habitat" under the ESA.[5]

The Biden administration rescinded the 2020 regulatory definition of "habitat" in 2022, giving the Services the discretion in designating critical habitat.[6] This includes the ability to designate critical habitat in areas that are **not** [emphasis added] currently occupied by the species in question and in some cases, have not been occupied in decades and may never be occupied. By codifying the definition of "habitat" as it relates to critical habitat, this bill provides certainty and brings the Services in compliance with the *Weyerhaeuser* decision.

The bill would also codify into law a definition of "environmental baseline" into the ESA statute. When conducting interagency consultations on federal actions, the Services use the environmental baseline to help determine the effect on listed species and critical habitat by that action. On April 5, 2024, the Services finalized a rule that mandated the following factors be considered when calculating the environmental baseline: 1) the past and present effects of all activities in an action area; 2) the anticipated effects of each proposed federal project in an action area where consultation has been completed; 3) the effects of state and private actions that are contemporaneous with the consultation process; and 4) the impacts to listed species or designated critical habitat from ongoing federal agency activities or existing federal agency facilities that are not within the agency's discretion to modify.[7]

This bill would amend and replace the fourth consideration with: "the ongoing impacts to listed species or critical habitat from existing facilities or activities that are not caused by the proposed action or that are not within the discretion of the Federal action to modify." The environmental baseline should act as a "snapshot" of a species health at the time of the consultation. However, too often the Services have used the environmental baseline to create a hypothetical environment that ignores existing infrastructure. This would require the Services to use a more complete picture of current impacts to species.

Title I: Optimizing Conservation Through Resource Prioritization

Title I amends section 4 to codify into law existing agencies' efforts to address current backlogs in listing petitions and critical habitat designation through a "National Listing Work Plan."[8] These changes would decrease the risk of litigation in the listing process and allow the Services to better allocate their resources towards species most in need of protection. The Services would be required to submit a work plan to Congress at the beginning of each fiscal year that covers listing actions for the next seven fiscal years. The work plan must include information on species status reviews, listing determinations, and critical habitat designations.

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[5] "Final Rules Amending ESA Critical Habitat Regulations." Erin H. Ward and Pervaze A. Sheikh. Congressional Research Service. IF11740 (congress.gov)
[6] "U.S. Fish and Wildlife Service and NOAA Fisheries Rescind Regulatory Definition of "Habitat" Under the Endangered Species Act." Marilyn Kitchell and Lauren Gaches. U.S. Fish and Wildlife Service. 6/23/2022. Rescind Regulatory Definition of "Habitat" Under the Endangered Species Act | U.S. Fish & Wildlife Service (fws.gov)
[7] 89 FR 24268
[8] "National Listing Workplan." U.S. Fish and Wildlife Service. National Listing Workplan | U.S. Fish & Wildlife Service (fws.gov)

The Services would be required to assign each species included in the work plan a priority classification, with priority 1 being the highest and priority 5 being the lowest. For example, a priority 1 species would be classified as critically imperiled and in need of immediate action. Whereas a priority 5 species is a species for which little information exists regarding threats and the status of the species.

Title II: Incentivizing Wildlife Conservation on Private Lands

The ESA was enacted in 1973:

> To provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for 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 [in the Act].[9]

Unfortunately, the ESA has been ineffective in accomplishing its goal of recovering species and taking them off the endangered species list, with only three percent of species listed under the Act having ever been delisted.

Private lands play a significant role in managing and recovering endangered and threatened species. As Aldo Leopold put it, "conservation will ultimately boil down to rewarding the private landowner who conserves the public interest."[10] In 2023, the FWS reported that "two-thirds of federally listed species have at least some habitat on private land, and some species have most of their remaining habitat on private land."[11] For example, according to the Audubon Society, more than 80 percent of the grassland and wetlands that provide essential bird habitat are in private ownership.[12]

To incentivize private landowners to invest in wildlife conservation on their lands, the legislation amends the ESA to provide regulatory certainty to private landowners. This is done by codifying into law Candidate Conservation Agreements (CCAs) and Candidate Conservation Agreements with Assurances (CCAAs). These agreements allow private landowners to commit to implementing voluntary actions designed to reduce threats to a species that is a candidate to be listed under the ESA. In return, if the species is listed, landowners who are part of the agreement would be able to continue their operations should a listing take place. Currently, these agreements only exist through executive action and secretarial orders, giving the Services great discretion in how they take these agreements into account when making listing decisions. The bill explicitly states that the Services must take the conservation benefit of these agreements into account when making listing decisions.

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[9] Endangered Species Act of 1973, 16 U.S.C. § 1531 et seq.

[10] Flader, S.L., Callicott, J.B., & Leopold, A. (1992). *The River of the mother of God*: *and other Essays by Aldo Leopold*. Madison: University of Wisconsin Press.

[11] "ESA Basics: 50 Years of Conserving Endangered Species." U.S. Fish and Wildlife Service. 2/1/23. [Endangered Species Act Basics (fws.gov).](https://www.fws.gov)

[12] Wilsey1, CB, J Grand, J Wu, N Michel, J Grogan-Brown, B Trusty. 2019. North American Grasslands. National Audubon Society, New York, New York, USA. https://nas-national-prod.s3.amazonaws.com/audubon_north_american_grasslands_birds_report-final.pdf

In addition, the legislation would give regulatory certainty to the private landowners who are investing in, or want to invest in, habitat conservation on their lands. Specifically, the bill prohibits the Services from designating critical habitat on private lands that are implementing habitat conservation and restoration actions designed to conserve the species in question and approved by the Services. This language mirrors language from the Sikes Act (16 U.S.C. 670a), which prevents critical habitat designations on lands controlled by the Department of Defense if those lands are implementing approved habitat conservation measures.

Title III: Providing for Greater Incentives to Recover Listed Species

The ESA requires the Services 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."[13] Unfortunately, over the course of the ESA's fifty-year history, states have often been left out of the process, with power being consolidated in the hands of officials at the Services. This title reasserts congressional intent by giving regulatory incentives and opportunities for states in the ESA process.

Section 9 prohibits the "take" of an endangered species. Take is defined as to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct."[14] The Act, however, does not automatically apply the same prohibitions to threatened species. Instead, Section 4(d) gives the Services the discretion to grant some exceptions to the take prohibitions for threatened species.[15] While the National Oceanic and Atmospheric Administration (NOAA) has taken advantage of this flexibility,[16] the FWS continues to take steps to manage threatened species as endangered species, counter to congressional intent.[17]

The FWS began issuing 4(d) rules in 1974, but in 1975 they finalized what has become known as the "blanket 4(d) rule" (blanket rule).[18] This rule allowed the FWS to extend all Section 9 prohibitions to threatened species unless a specific 4(d) rule for the species was drafted that exempted certain activities from those prohibitions. The blanket rule effectively removes incentives for parties impacted by threatened species and any of the benefits that result in downlisting a listed species because no regulatory burdens are lowered. In 2019, the Trump administration finalized a rulemaking that took away the FWS's ability to issue blanket rules,[19] but this rule was rescinded by the Biden administration earlier this year.[20]

The legislation changes this dynamic by requiring the Services to include the following whenever they issue a 4(d) rule that contains take prohibitions: (1) objective, incremental

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[13] Endangered Species act of 1973, 16 U.S.C., 1531-1544 (1973).
[14] 16 USC Ch. 35. Sec 1532.
[15] 16 USC Ch. 35. Sec 1533.
[16] 88 FR 40742.
[17] Revisions of the Regulation for Prohibitions to Threatened Wildlife and Plants." Megan E. Jenkins and Camille Wardle. The Center for Growth and Opportunity at Utah State University. 10/17/18. Regulations for Prohibitions to Threatened Wildlife and Plants - The CGO.
[18] "Unlocking the Full Power of Section 4(d) to Facilitate Collaboration and Greater Species Recovery." David Willms, J.D. https://republicans-naturalresources.house.gov/UploadedFiles/Codex_II_Chapter_3.pdf.
[19] 84 FR 44753
[20] 89 FR 23919

recovery goals for the species in question; (2) provide for the stringency of the prohibitions to decrease as such recovery goals are met; and (3) provide for state management of the species once all recovery goals are met in preparation for the species being delisted.

These steps create greater accountability, transparency, and incentives to take conservation actions that restore habitat for and recover listed species because tangible regulatory relief will come with it. The bill also adopts a similar approach for the recovery of species listed as endangered. Specifically, the bill requires the Services to propose objective and incremental recovery goals for endangered species. Those goals would form the basis for a 4(d) rule when the species is downlisted to threatened species status.

This gives states the opportunity to propose a "recovery strategy" for threatened species and species that are candidates for listing in that state. The bill requires the Services to review the proposed recovery strategy and determine whether 1) the state would be able to implement the strategy and 2) whether that strategy would be effective in conserving the species in question. If it is determined that both of those tests are satisfied, the strategy is approved, and it would become the regulation governing the species in that state.

In addition, the bill amends the definition of "conserve," "conserving," and "conservation" to allow for the regulated take of threatened species. Currently, the definition only allows for regulated take "in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved."[21] This standard has been interpreted by federal courts to mostly prohibit any regulated take of threatened species.[22] This raises tensions with the public, who have no means to control populations of listed species, even when the population of that species is well above its population goals. Additionally, it amends the definition to allow for regulated take "at the discretion of the Secretary," therefore granting additional flexibility to the Services.

Lastly, Title III would also amend section 4(g) to require the Services to monitor, in cooperation with the states, the status of a species for no less than five years after it is delisted to ensure it does require relisting. A provision is included which prohibits judicial review on the delisting of species during the five-year post-delisting monitoring period. There are many examples of species that have been successfully delisted through rigorous scientific decisions, such as wolves and grizzly bears, only to have a court overrule that decision.

Title IV: Creating Greater Transparency and Accountability in Recovering Listed Species

Title IV amends the ESA to require the "best scientific and commercial data available" used to make listing and critical habitat decision be readily available and accessible online. ESA-related regulations are often controversial and impact the public in many ways, including land use, access to natural resources, and the value of property. In many cases, all the public gets to see is the result of a decision-making process, but not what led to that decision being made. The bill

[21] 16 USC Ch. 35. Sec 1532.
[22] "Unlocking the Full Power of Section 4(d) to Facilitate Collaboration and Greater Species Recovery." David Willms, J.D. https://republicans-naturalresources.house.gov/UploadedFiles/Codex_II_Chapter_3.pdf.

gives the public the ability to understand what the Services identified as the "best scientific and commercial data available."

Additionally, the Services would be required to coordinate with states when making listing and critical habitat decisions. Before finalizing an ESA regulation, the Services must provide each affected state the data used as the basis of a regulation. The bill defines "best scientific and commercial data available" to include all such data submitted to the Services by state, tribal, and local governments.

The Services would be required to disclose to Congress and make publicly available, each fiscal year, all federal government expenditures on ESA-related lawsuits. The ESA has become a magnet for lawsuits designed to frustrate the process laid out in the underlying statute, with the Services often settling with litigious environmental groups.

Lastly, Title IV requires an analysis of the economic impacts, national security impacts, and any other relevant impacts concurrently with any listing decision. This section wouldn't preclude a species from being listed for economic and national security reasons but would give the public necessary information on how a listing may impact them. Currently the ESA only requires an analysis of economic and national security impacts be done when designating critical habitat. Areas can be excluded from critical habitat for these reasons.

Title V: Limitation on Reasonable and Prudent Measures

On April 5, 2024, the Services finalized a rule that made changes to the interagency consultation process on federal projects.[23] Included in this rule is a provision that allows the Services to impose measures that "offset" any remaining impacts on a species caused by an agency action, after avoidance and minimization measured have been imposed. This provision greatly expands the discretion of the Services. Allowing the Services to require offsets for any residual impacts from an agency action on a listed species is not supported by ESA statute. As written, Section 7 requires federal agencies and project applicants to "minimize" impacts to listed species and critical habitat.[24] The words "offset" or "mitigate" are not mentioned. To further clarify this, the bill amends Section 7 to explicitly state that federal agencies and project applicants are not required to fully offset impacts to listed species and critical habitat.

H.R. 7544 (Rep. Maloy), *"Water Rights Protection Act of 2024"*

H.R. 7544 requires that any federal action taken by the Departments of the Interior and Agriculture (Departments) that impact water rights impose no greater restriction on those rights than applicable state law and does not adversely affect state authority over water rights. In addition, the bill prohibits agencies within the Departments from acquiring state recognized water rights as a condition of federal permits, leases, allotments or other land use agreements.

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[23] "Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation" 89 FR 24268 https://www.federalregister.gov/documents/2024/04/05/2024-06902/endangered-and-threatened-wildlife-and-plants-regulations-for-interagency-cooperation

[24] 16 U.S.C. 1536

Western states have historically held the right to their own water rights, however in the 1920s the federal government began to pursue the establishment of water rights with increased frequency. During this period, the federal government could not be bound by a water rights determination in state court because the federal government was immune from state court decisions.[25] This changed in 1952 when Congress passed the so called "McCarran Amendment" (43 U.S.C. 666), which waived the federal government's immunity from State court decisions and laws to such proceedings. This landmark law continued a tradition of federal deference to State water laws but put in place a framework under which the federal government was treated like a private entity for the purposes of seeking water rights within western States.[26]

The issue of the relationship between federal agencies and State water rights resurfaced in 2014 when the United States Forest Service (USFS) published a press release stating that USFS needed to "improve the Forest Service's ability to manage and analyze the potential uses of National Forest Service (NFS) land that could affect groundwater resources."[27] The Forest Service indicated that this proposal would not impact a state's ability to manage their own water rights despite the proposal including that the Forest Service would "evaluate all applications to States for water rights on NFS lands and applications for water rights on adjacent lands that could adversely affect NFS groundwater resources."[28] For example, in 2011 USFS issued a national interim directive for all 122 public land ski areas in the United States. The directive included a clause requiring applicant ski areas to relinquish privately held water rights to the United States as a permit condition.[29]

This bill would ensure the long standing precedent giving States primacy over water rights determinations. Similar versions of this bill have been introduced each Congress since the 113th Congress. A similar version of this bill passed the House by a bipartisan vote of 238-174 during the 113th Congress[30] and another was reported favorably by the Committee on Natural Resources in the 115th Congress.[31] H.R. 7544 has five Republican co-sponsors.

H.R. 8308 (Rep. Harder), *"Nutria Eradication and Control Reauthorization Act of 2024"*

H.R. 8308 reauthorizes the Nutria Eradication and Control Act of 2003 through 2030. Nutria is native to South America but were introduced to North America in 1899 for fur production.[32] The original act authorized the Secretary of the Interior to provide financial assistance to Maryland and Louisiana because of the damages inflicted onto marshlands by nutria; an estimated 17 percent of the Chesapeake Bays marshlands had been destroyed at the time of original passage. The bill was amended in 2020 to include any state that has demonstrated the need for the program.[33] The Chesapeake Bay Nutria Eradication Project (CBNEP) has been successful, as

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[25] Bill Report, Water Rights Protection Act of 2017. July 25, 2017.
[26] Id.
[27] United States Department of Agriculture: U.S. Forest Service Proposes New Management Practices for Stewardship of Water Resources, May 5, 2014 (press release).
[28] Forest Service Groundwater Resource Management Chapter 2560.03.03; p. 9-10.
[29] Bill Report, Water Rights Protection Act of 2017. July 25, 2017.
[30] Text - H.R. 3189 - 113th Congress (2013-2014): Water Rights Protection Act | Congress.gov | Library of Congress
[31] Actions - H.R. 2939 - 115th Congress (2017-2018): Water Rights Protection Act of 2017 | Congress.gov | Library of Congress
[32] Bill Report, To Amend the Nutria Eradication and Control Act of 2003 to Include California in the Program, and for Other Purposes. February 25, 2020.
[33] Public Law 116-186

nutria were declared eradicated in the state of Maryland as of 2022.[34] Efforts have also been successful in California, where 4,338 nutria have been taken since 2017,[35] and to a larger extent in Louisiana, where 5,549,662 nutria have been taken after an estimated 432,012 acres were damaged between 2002 and 2021.[36]

H.R. 8308 reauthorizes the program at existing appropriations levels through 2030 in compliance with floor protocols. This bipartisan legislation has two Republican cosponsors, including WWF Subcommittee member Garret Graves (R-LA), and two Democratic cosponsors.

H.R. 8811 (Rep. Wittman), *"America's Conservation Enhancement (ACE) Act of 2024"*

H.R. 8811 would reauthorize and amend conservation programs authorized under the original *ACE Act*, which was passed by Congress and signed into law in 2020.[37] Title I of the bill includes reauthorizations of successful conservation programs like the North American's Wetlands Conservation Program, the Chronic Wasting Disease Task Force, and several programs related to the Chesapeake Bay region. Title I would also make technical amendments to several programs from the original *ACE Act*, such as clarifying that federal agencies may enter into an agreement with the National Fish and Wildlife Foundation to administer a federal grant program for no less than five years and no more than ten years. Each of the programs in Title I would be reauthorized through fiscal year 2030 at existing authorized appropriations levels.

Title II of the bill would reauthorize and make technical changes to the National Fish Habitat Partnership (NFHP). Technical changes include modifying the composition of the National Fish Habitat Board to ensure representation from Tribes, Regional Fishery Management Councils, and Marine Fisheries Commissions. The bill would reauthorize NFHP through fiscal year 2030 at existing authorized appropriations levels.

H.R. 8811 is cosponsored by two Republicans and two Democrats; these include Subcommittee members Rep. Jen Kiggans (R-VA) and Rep. Debbie Dingell (D-MI).

IV. MAJOR PROVISIONS & SECTION-BY-SECTION

Discussion Draft of H.R. ____ (Rep. Westerman), *"ESA Amendments Act of 2024"*

- Section by section document.

H.R. 7544 (Rep. Maloy), *"Water Rights Protection Act of 2024"*

- Mandates the Departments of the Interior and Agriculture recognize the longstanding authority of states to regulate water use and coordinate with states to ensure that any rule, policy, directive, management plan, or other federal action imposes no greater regulatory requirements than applicable water law.

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[34] USWFS, Decades-long Partnership Eradicates Destructive Nutria Rodents from Maryland. September 16, 2022. https://www.fws.gov/press-release/2022-09/decades-long-partnership-eradicates-destructive-nutria-rodents-maryland.

[35] California Department of Fish and Wildlife, Discovery of Invasive Nutria in California, May 16, 2024. https://wildlife.ca.gov/Conservation/Invasives/Species/Nutria/Infestation

[36] Herbivory Damage and Harvest Maps. Louisiana Department of Wildlife and Fisheries. https://nutria.com/nutria-control-program/herbivory-damage-and-harvest-maps/

[37] Public Law 116-188

- Mandates the Departments do not assert any connection between surface water and groundwater that is inconsistent with state water law. Also mandates that those departments not adversely affect state authority to permit the beneficial use of water or adjudicating water rights.
- Prohibits agencies within the Departments from acquiring state recognized water rights as a condition of federal permits, leases, allotments or other land use agreements.
- Clarifies that the bill does not impact or effect reclamation contracts, ESA implementation, federal reserved water rights, the Federal Power Act, Indian water rights, federally held state water rights, and interstate compacts.

H.R. 8308 (Rep. Harder), *"Nutria Eradication and Control Reauthorization Act of 2024"*

- Reauthorizes the Nutria Eradication and Control Act of 2003 through fiscal year 2030.

H.R. 8811 (Rep. Wittman), *"America's Conservation Enhancement (ACE) Act of 2024"*

- Section by section document.

V. COST

A formal cost estimate from the Congressional Budget Office (CBO) is not yet available.

VI. ADMINISTRATION POSITION

The administration's position on these bills is currently unknown.

VII. EFFECT ON CURRENT LAW

H.R. 8308

H.R. 8811

Westerman Discussion Draft