

## Union Calendar No. 422

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1274

[Report No. 115-561]

To amend the Endangered Species Act of 1973 to require making available to States affected by determinations that species are endangered species or threatened species all data that is the basis of such determinations, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2017

Mr. NEWHOUSE (for himself, Mr. TIPTON, Mr. ABRAHAM, Mr. GOSAR, Mr. PEARCE, Mr. HARPER, Mr. YOHO, Mr. JONES, Mr. MARSHALL, and Mr. CRAMER) introduced the following bill; which was referred to the Committee on Natural Resources

FEBRUARY 15, 2018

Additional sponsors: Mr. GOODLATTE, Mr. GIANFORTE, Mr. SESSIONS, and Mr. STEWART

FEBRUARY 15, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on March 1, 2017]

# **A BILL**

To amend the Endangered Species Act of 1973 to require making available to States affected by determinations that species are endangered species or threatened species all data that is the basis of such determinations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “State, Tribal, and Local*  
5 *Species Transparency and Recovery Act”.*

6 **SEC. 2. DECISIONAL TRANSPARENCY AND USE OF STATE,**  
7 **TRIBAL, AND LOCAL INFORMATION.**

8 *(a) REQUIRING DECISIONAL TRANSPARENCY WITH*  
9 *AFFECTED STATES.—Section 6(a) of the Endangered Spe-*  
10 *cies Act of 1973 (16 U.S.C. 1535(a)) is amended—*

11 *(1) by inserting “(1)” before the first sentence;*  
12 *and*

13 *(2) by striking “Such cooperation shall include”*  
14 *and inserting the following:*

15 *“(2) Such cooperation shall include—*

16 *“(A) before making a determination under sec-*  
17 *tion 4(a), providing to States affected by such deter-*  
18 *mination all data that is the basis of the determina-*  
19 *tion; and*

20 *“(B)”.*

21 *(b) ENSURING USE OF STATE, TRIBAL, AND LOCAL IN-*  
22 *FORMATION.—Section 3 of the Endangered Species Act of*  
23 *1973 (16 U.S.C. 1532) is amended—*

24 *(1) by redesignating paragraphs (2) through (10)*  
25 *as paragraphs (3) through (11), respectively; and*

1           (2) by inserting after paragraph (1) the fol-  
2       lowing:

3       “(2) The term ‘best scientific and commercial data  
4 available’ includes all such data submitted by a State, trib-  
5 al, or county government.”.

6       (c) *REQUIREMENT TO PUBLISH ON THE INTERNET*  
7 *THE BASIS FOR LISTINGS.*—Section 4(b) of the *Endangered*  
8 *Species Act of 1973 (16 U.S.C. 1533(b))* is amended by add-  
9 ing at the end the following:

10       “(9) The Secretary shall make publicly available on  
11 the Internet the best scientific and commercial data avail-  
12 able that are the basis for each regulation, including each  
13 proposed regulation, promulgated under subsection (a)(1),  
14 except that, at the request of a Governor or legislature of  
15 a State, the Secretary shall not make available under this  
16 paragraph information regarding which the State has de-  
17 termined public disclosure is prohibited by a law of that  
18 State relating to the protection of personal information.”.



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