

113TH CONGRESS  
2D SESSION

# S. 2752

To amend the Endangered Species Act of 1973 to improve the disclosure of certain expenditures under that Act, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 31, 2014

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Endangered Species Act of 1973 to improve the disclosure of certain expenditures under that Act, 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 “Endangered Species  
5 Recovery Transparency Act”.

6 **SEC. 2. DISCLOSURE OF EXPENDITURES UNDER ENDAN-**  
7 **GERED SPECIES ACT OF 1973.**

8 (a) REQUIREMENT TO DISCLOSE.—Section 13 of the  
9 Endangered Species Act of 1973 (87 Stat. 902; relating

1 to conforming amendments which have executed) is  
2 amended to read as follows:

3 **“SEC. 13. DISCLOSURE OF EXPENDITURES.**

4 “(a) REQUIREMENT.—The Secretary of the Interior,  
5 in consultation with the Secretary of Commerce, shall—

6 “(1) not later than 90 days after the end of  
7 each fiscal year, submit to the Committee on Nat-  
8 ural Resources of the House of Representatives and  
9 the Committee on Energy and Natural Resources of  
10 the Senate an annual report detailing Federal Gov-  
11 ernment expenditures for covered suits during the  
12 preceding fiscal year (including the information de-  
13 scribed in subsection (b)); and

14 “(2) make publicly available through the Inter-  
15 net a searchable database of the information de-  
16 scribed in subsection (b).

17 “(b) INCLUDED INFORMATION.—The report shall in-  
18 clude—

19 “(1) the case name and number of each covered  
20 suit, and a hyperlink to the record or decision for  
21 each covered suit (if available);

22 “(2) a description of the claims in each covered  
23 suit;

24 “(3) the name of each covered agency whose ac-  
25 tions gave rise to a claim in a covered suit;

1           “(4) funds expended by each covered agency  
2           (disaggregated by agency account) to receive and re-  
3           spond to notices referred to in section 11(g)(2) or to  
4           prepare for litigation of, litigate, negotiate a settle-  
5           ment agreement or consent decree in, or provide ma-  
6           terial, technical, or other assistance in relation to, a  
7           covered suit;

8           “(5) the number of full-time equivalent employ-  
9           ees that participated in the activities described in  
10          paragraph (4); and

11          “(6) attorneys fees and other expenses  
12          (disaggregated by agency account) awarded in cov-  
13          ered suits, including any consent decrees or settle-  
14          ment agreements (regardless of whether a decree or  
15          settlement agreement is sealed or otherwise subject  
16          to nondisclosure provisions), including the bases for  
17          such awards.

18          “(c) REQUIREMENT TO PROVIDE INFORMATION.—  
19          The head of each covered agency shall provide to the Sec-  
20          retary in a timely manner all information requested by the  
21          Secretary to comply with the requirements of this section.

22          “(d) LIMITATION ON DISCLOSURE.—Notwith-  
23          standing any other provision of this section, this section  
24          shall not affect any restriction in a consent decree or set-

1 tlement agreement on the disclosure of information that  
2 is not described in subsection (b).

3 “(e) DEFINITIONS.—

4 “(1) COVERED AGENCY.—The term ‘covered  
5 agency’ means any agency of the Department of the  
6 Interior, the Forest Service, the National Marine  
7 Fisheries Service, the Bonneville Power Administra-  
8 tion, the Western Area Power Administration, the  
9 Southwestern Power Administration, or the South-  
10 eastern Power Administration.

11 “(2) COVERED SUIT.—The term ‘covered suit’  
12 means any civil action containing a claim against the  
13 Federal Government, in which the claim arises under  
14 this Act and is based on the action of a covered  
15 agency.”.

16 (b) CLERICAL AMENDMENT.—The table of contents  
17 in the first section of such Act is amended by striking the  
18 item relating to such section and inserting the following:

“Sec. 13. Disclosure of expenditures.”.

19 (c) PRIOR AMENDMENTS NOT AFFECTED.—This sec-  
20 tion shall not be construed to affect the amendments made  
21 by section 13 of such Act, as in effect before the enact-  
22 ment of this Act.

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