

115TH CONGRESS  
1ST SESSION

# S. 735

To amend the Endangered Species Act of 1973 to require disclosure to States of the basis of determinations under such Act, to ensure use of information provided by State, tribal, and county governments in decisionmaking under such Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 27, 2017

Mr. ENZI (for himself, Mr. BARRASSO, Mr. HELLER, and Mr. ROBERTS) 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 require disclosure to States of the basis of determinations under such Act, to ensure use of information provided by State, tribal, and county governments in decisionmaking under such 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 “State, Tribal, and  
5 Local Species Transparency and Recovery Act”.

1 **SEC. 2. REQUIRING DECISIONAL TRANSPARENCY WITH AF-**  
2 **FECTED STATES.**

3 Section 6(a) of the Endangered Species Act of 1973  
4 (16 U.S.C. 1535(a)) is amended—

5 (1) by inserting “(1)” before the first sentence;

6 and

7 (2) by striking “Such cooperation shall include”

8 and inserting the following:

9 “(2) Such cooperation shall include—

10 “(A) before making a determination under sec-

11 tion 4(a), providing to States affected by such deter-

12 mination all data that is the basis of the determina-

13 tion; and

14 “(B)”.

15 **SEC. 3. ENSURING USE OF STATE, TRIBAL, AND LOCAL IN-**  
16 **FORMATION.**

17 (a) IN GENERAL.—Section 3 of the Endangered Spe-  
18 cies Act of 1973 (16 U.S.C. 1532) is amended—

19 (1) by redesignating paragraphs (2) through

20 (21) as paragraphs (3) through (22), respectively;

21 and

22 (2) by inserting after paragraph (1) the fol-

23 lowing:

24 “(2) The term ‘best scientific and commercial data

25 available’ includes all such data submitted by a State, trib-

26 al, or county government.”.

1           (b) CONFORMING AMENDMENT.—Section 7(n) of  
2 such Act (16 U.S.C. 1536(n)) is amended by striking  
3 “section 3(13)” and inserting “section 3(14)”.

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