

Union Calendar No. 404

113TH CONGRESS
2D SESSION

H. R. 4316

[Report No. 113-538]

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2014

Mrs. LUMMIS (for herself, Mr. HASTINGS of Washington, Mr. AMODEI, Mr. BISHOP of Utah, Mr. COLLINS of Georgia, Mr. HARRIS, Mr. HUIZENGA of Michigan, Mr. LANKFORD, Mr. LUETKEMEYER, Mr. NEUGEBAUER, Mr. SOUTHERLAND, Mr. THOMPSON of Pennsylvania, and Mr. VALADAO) introduced the following bill; which was referred to the Committee on Natural Resources

JULY 17, 2014

Additional sponsors: Mr. LUCAS, Mr. WALDEN, Mr. COTTON, Mr. CRAMER, Mr. GOSAR, Mr. OLSON, Mr. TIPTON, Mr. HUELSKAMP, Mr. JONES, Mr. TIBERI, Mr. POMPEO, Mr. MCCLINTOCK, Mr. PEARCE, and Mrs. McMORRIS RODGERS

JULY 17, 2014

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 *italic*]

[For text of introduced bill, see copy of bill as introduced on March 27, 2014]

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 Re-*
5 *covery 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 to*
10 *conforming amendments which have executed) is amended*
11 *to read as follows:*

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

13 *“(a) REQUIREMENT.—The Secretary of the Interior, in*
14 *consultation with the Secretary of Commerce, shall—*

15 *“(1) not later than 90 days after the end of each*
16 *fiscal year, submit to the Committee on Natural Re-*
17 *sources of the House of Representatives and the Com-*
18 *mittee on Energy and Natural Resources of the Sen-*
19 *ate an annual report detailing Federal Government*
20 *expenditures for covered suits during the preceding*
21 *fiscal year (including the information described in*
22 *subsection (b)); and*

23 *“(2) make publicly available through the Inter-*
24 *net a searchable database of the information described*
25 *in subsection (b).*

1 “(b) *INCLUDED INFORMATION.*—*The report shall in-*
2 *clude—*

3 “(1) *the case name and number of each covered*
4 *suit, and a hyperlink to the record or decision for*
5 *each covered suit (if available);*

6 “(2) *a description of the claims in each covered*
7 *suit;*

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

10 “(4) *funds expended by each covered agency*
11 *(disaggregated by agency account) to receive and re-*
12 *spond to notices referred to in section 11(g)(2) or to*
13 *prepare for litigation of, litigate, negotiate a settle-*
14 *ment agreement or consent decree in, or provide mate-*
15 *rial, technical, or other assistance in relation to, a*
16 *covered suit;*

17 “(5) *the number of full-time equivalent employ-*
18 *ees that participated in the activities described in*
19 *paragraph (4); and*

20 “(6) *attorneys fees and other expenses*
21 *(disaggregated by agency account) awarded in covered*
22 *suits, including any consent decrees or settlement*
23 *agreements (regardless of whether a decree or settle-*
24 *ment agreement is sealed or otherwise subject to non-*

1 *disclosure provisions), including the bases for such*
2 *awards.*

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

7 “(d) *LIMITATION ON DISCLOSURE.*—*Notwithstanding*
8 *any other provision of this section, this section shall not*
9 *affect any restriction in a consent decree or settlement*
10 *agreement on the disclosure of information that is not de-*
11 *scribed in subsection (b).*

12 “(e) *DEFINITIONS.*—

13 “(1) *COVERED AGENCY.*—*The term ‘covered*
14 *agency’ means any agency of the Department of the*
15 *Interior, the Forest Service, the National Marine*
16 *Fisheries Service, the Bonneville Power Administra-*
17 *tion, the Western Area Power Administration, the*
18 *Southwestern Power Administration, or the South-*
19 *eastern Power Administration.*

20 “(2) *COVERED SUIT.*—*The term ‘covered suit’*
21 *means any civil action containing a claim against*
22 *the Federal Government, in which the claim arises*
23 *under this Act and is based on the action of a covered*
24 *agency.’.*

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

“Sec. 13. Disclosure of expenditures.”.

4 (c) *PRIOR AMENDMENTS NOT AFFECTED.*—*This sec-*
5 *tion shall not be construed to affect the amendments made*
6 *by section 13 of such Act, as in effect before the enactment*
7 *of this Act.*

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