

113TH CONGRESS  
2D SESSION

# H. R. 4316

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 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

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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”.

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

3 (a) REQUIREMENT TO DISCLOSE.—Section 13 of the  
4 Endangered Species Act of 1973 (87 Stat. 902; relating  
5 to conforming amendments which have executed) is  
6 amended to read as follows:

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

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

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

18 “(2) make publicly available through the Inter-  
19 net a searchable database of the information de-  
20 scribed in subsection (b).

21 “(b) INCLUDED INFORMATION.—The report shall in-  
22 clude—

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

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

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

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

12           “(5) the number of full-time equivalent employ-  
13 ees that participated in the activities described in  
14 paragraph (4); and

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

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

1       “(d) LIMITATION ON DISCLOSURE.—Notwith-  
2 standing any other provision of this section, this section  
3 shall not affect any restriction in a consent decree or set-  
4 tlement agreement on the disclosure of information that  
5 is not described in subsection (b).

6       “(e) DEFINITIONS.—

7           “(1) COVERED AGENCY.—The term ‘covered  
8 agency’ means any agency of the Department of the  
9 Interior, the Forest Service, or the National Marine  
10 Fisheries Service.

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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