

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

**S.** \_\_\_\_\_

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

---

IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To amend the Endangered Species Act of 1973 to require disclosure to States of the basis of determinations under that Act, to ensure use of information provided by State, tribal, and county governments in decisionmaking 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 “State, Tribal, and  
5 Local Species Transparency and Recovery Act”.

1 **SEC. 2. ENSURING USE OF STATE, TRIBAL, AND LOCAL IN-**  
2 **FORMATION.**

3 Section 3 of the Endangered Species Act of 1973 (16  
4 U.S.C. 1532) is amended—

5 (1) by redesignating paragraphs (2) through  
6 (10) as paragraphs (3) through (11), respectively;  
7 and

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

10 “(2) **BEST SCIENTIFIC AND COMMERCIAL DATA**  
11 **AVAILABLE.**—The term ‘best scientific and commercial  
12 data available’ includes all relevant data submitted by a  
13 State, tribal, or county government.”.

14 **SEC. 3. REQUIRING DECISIONAL TRANSPARENCY WITH AF-**  
15 **FECTED STATES.**

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

18 (1) by striking the section designation and  
19 heading and all that follows through “In carrying  
20 out” in subsection (a) and inserting the following:

21 **“SEC. 6. COOPERATION WITH STATES.**

22 **“(a) COOPERATION.—**

23 **“(1) IN GENERAL.—**In carrying out”; and

24 (2) in subsection (a), in the second sentence, by  
25 striking “Such cooperation shall include consulta-  
26 tion” and inserting the following:

1           “(2) INCLUSIONS.—Cooperation under paragraph (1)  
2 shall include—  
3           “(A) before making a determination under sec-  
4 tion 4(a), providing to States affected by the deter-  
5 mination all data that are the basis of the deter-  
6 mination; and  
7           “(B) consultation”.