

117TH CONGRESS  
1ST SESSION

# S. 3315

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 local governments in decision making under that Act, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 6, 2021

Ms. LUMMIS (for herself, Mr. BARRASSO, Mr. CRAPO, and Mr. RISCH) 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 that Act, to ensure use of information provided by State, Tribal, and local governments in decision making 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. 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) in the first sentence, by striking “In car-  
 6 rying out” and inserting the following:

7 “(1) In carrying out”; and

8 (2) in paragraph (1) (as so designated), in the  
 9 second sentence, by striking “Such cooperation shall  
 10 include” and inserting the following:

11 “(2) Cooperation under paragraph (1) shall include—

12 “(A) before making a determination under sec-  
 13 tion 4(a), providing to States affected by that deter-  
 14 mination all data that is the basis of the determina-  
 15 tion; and

16 “(B)”.

17 **SEC. 3. ENSURING USE OF STATE, TRIBAL, AND LOCAL IN-**  
 18 **FORMATION.**

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

21 (1) by redesignating paragraphs (2) through  
 22 (21) as paragraphs (3) through (22), respectively;  
 23 and

24 (2) by inserting after paragraph (1) the fol-  
 25 lowing:

1       “(2) The term ‘best scientific and commercial data  
2 available’ includes all of the best available scientific and  
3 commercial data submitted by a State, Tribal, or local gov-  
4 ernment.”.

5       (b) CONFORMING AMENDMENT.—Section 7(n) of the  
6 Endangered Species Act of 1973 (16 U.S.C. 1536(n)) is  
7 amended, in the first sentence, by striking “, as defined  
8 by section 3(13) of this Act,”.

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