

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4315) TO AMEND THE
ENDANGERED SPECIES ACT OF 1973 TO REQUIRE PUBLICATION ON THE
INTERNET OF THE BASIS FOR DETERMINATIONS THAT SPECIES ARE EN-
DANGERED SPECIES OR THREATENED SPECIES, AND FOR OTHER PUR-
POSES

JULY 28, 2014.—Referred to the House Calendar and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 693]

The Committee on Rules, having had under consideration House
Resolution 693, by a nonrecord vote, report the same to the House
with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 4315, the 21st
Century Endangered Species Transparency Act, under a structured
rule. The resolution provides one hour of general debate equally di-
vided and controlled by the chair and ranking minority member of
the Committee on Natural Resources. The resolution waives all
points of order against consideration of the bill. The resolution
makes in order as original text for the purpose of amendment an
amendment in the nature of a substitute consisting of the text of
Rules Committee Print 113-55 and provides that it shall be consid-
ered as read. The resolution waives all points of order against that
amendment in the nature of a substitute. The resolution makes in
order only those further amendments printed in this report. Each
such amendment may be offered only in the order printed in this
report, may be offered only by a Member designated in this report,
shall be considered as read, shall be debatable for the time speci-
fied in this report equally divided and controlled by the proponent
and an opponent, shall not be subject to amendment, and shall not
be subject to a demand for division of the question in the House
or in the Committee of the Whole. The resolution waives all points
of order against the amendments printed in this report. The resolu-
tion provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against the amendment in the nature of a substitute made in order as original text includes a waiver of clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. It is important to note that while the waiver is necessary, all of the measures contained in Rules Committee Print 113-55 are directly related to the Endangered Species Act and have been reported by the Committee on Natural Resources.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Hastings, Doc (WA): MANAGER'S AMENDMENT Amends Section 2 of the bill to clarify extent of disclosure policy as it relates to State law and to Department of Defense classified information. (10 minutes)

2. DeFazio (OR): Excludes scientific information published solely in internal Interior Department publications from the definition of "best available science." (10 minutes)

3. Holt (NJ), Huffman (CA): Strikes a provision which automatically defines all data submitted by State, County or Tribal governments as the "best available science," regardless of its merit. (10 minutes)

4. Duffy (WI): Requires disclosure of any federal funding used by a person or a governmental or non-governmental entity in bringing a claim in a covered suit. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1, line 13, insert ", State agency," after "Governor".

Page 1, strike line 16 and all that follows through the first period on line 17 and insert "determined public disclosure is prohibited by a law or regulation of that State, including any law or regulation requiring the protection of personal information; and except that within 30 days after the date of the enactment of this paragraph, the Secretary shall execute an agreement with the Secretary of Defense that prevents the disclosure of classified information pertaining to Department of Defense personnel, facilities, lands, or waters."

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEFazio OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 1, strike "The term" and insert "(A) Except as provided in subparagraph (B), the term".

Page 3, at line 3 strike the closing quotation marks and the second period, and after line 3 insert the following:

“(B) Such term does not include any data, study, or survey that has been published solely in an internal Department of the Interior publication.”.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, line 3, strike “(a) REQUIRING DECISIONAL TRANSPARENCY WITH AFFECTED STATES.—”.

Beginning at page 2, strike line 16 and all that follows through page 3, line 7.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DUFFY OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 22, strike “and”.

Page 5, at line 4 strike the period and insert “; and”, and after line 4 insert the following:

“(7) any Federal funding used by a person or a governmental or non-governmental entity in bringing a claim in a covered suit.