

110TH CONGRESS
1ST SESSION

H. R. 3459

To amend the Endangered Species Act of 1973 to require the Director of the United States Fish and Wildlife Service to publish a summary statement of the scientific basis for a decision concerning the listing or de-listing of an endangered species or the designation of critical habitat, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2007

Mr. MARKEY introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Endangered Species Act of 1973 to require the Director of the United States Fish and Wildlife Service to publish a summary statement of the scientific basis for a decision concerning the listing or de-listing of an endangered species or the designation of critical habitat, 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 “Transparent Reporting
5 Under ESA Listing Act” or the “TRUE Listing Act”.

1 **SEC. 2. TRANSPARENCY OF APPROVAL DECISIONS.**

2 (a) IN GENERAL.—Section 13 of the Endangered
3 Species Act of 1973 is amended to read as follows:

4 **“SEC. 13. TRANSPARENCY OF APPROVAL DECISIONS.**

5 “(a) IN GENERAL.—Concurrent with publication of
6 any finding or final regulation pursuant to section 4(b)
7 in relation to a determination as to whether a species is
8 an endangered species or a threatened species or in rela-
9 tion to a designation or revision of critical habitat, the
10 Secretary shall publish a summary statement of the sci-
11 entific basis for such determination, designation, or revi-
12 sion.

13 “(b) CONTENTS.—A summary statement under sub-
14 section (a) shall be dated and shall include the following:

15 “(1) The scientific rationale for the final deter-
16 mination, designation, or revision.

17 “(2) Identification by name and title of each of-
18 ficer or employee of the executive branch who par-
19 ticipated in the determination, designation, or revi-
20 sion.

21 “(c) SUBSEQUENT CHANGES.—After publication of a
22 summary statement under this section, the Secretary—

23 “(1) shall not alter the text of the summary
24 statement; and

25 “(2) may prepare a description of changes to
26 the summary statement in a separate document and

1 attach the document as an addendum to the sum-
2 mary statement.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in the first section of that Act is amended by striking the
5 item relating to section 13 and inserting the following:

“Sec. 13. Transparency of approval decisions.”.

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