

116TH CONGRESS
2D SESSION

H. R. 5591

To amend the Endangered Species Act of 1973 to add requirements to the designation of areas as critical habitats, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2020

Mr. JOHNSON of Louisiana (for himself, Mr. GOSAR, Mr. McCLINTOCK, Mr. CRAWFORD, Mr. NEWHOUSE, Mr. GIANFORTE, and Ms. CHENEY) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Endangered Species Act of 1973 to add requirements to the designation of areas as critical habitats, 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 “Critical Habitat Im-
5 provement Act”.

1 **SEC. 2. REQUIREMENTS FOR CRITICAL HABITAT DESIGNA-**
2 **TION.**

3 (a) DEFINITION OF CRITICAL HABITAT.—Section
4 3(5) of the Endangered Species Act of 1973 (16 U.S.C.
5 1532(5)) is amended—

6 (1) by amending subparagraph (A) to read as
7 follows:

8 “(A) The term ‘critical habitat’ for a
9 threatened species or endangered species
10 means—

11 “(i) the specific areas of habitat with-
12 in the geographical area occupied by the
13 species, at the time such species is listed in
14 accordance with the provisions of section 4
15 of this Act, that the Secretary determines
16 have physical or biological features that—

17 “(I) are essential to the conserva-
18 tion of such species; and

19 “(II) may require special man-
20 agement consideration or protection;
21 or

22 “(ii) the specific areas of habitat out-
23 side the geographical area occupied by the
24 species, at the time such species is listed in
25 accordance with the provisions of section 4

1 of this Act, that the Secretary deter-
2 mines—

3 “(I) are essential for the contin-
4 ued survival of such species;

5 “(II) are able to sustain occu-
6 pancy by such species at the time of
7 the determination described in this
8 clause; and

9 “(III) have physical or biological
10 features that—

11 “(aa) are essential to the
12 conservation of such species; and

13 “(bb) may require special
14 management consideration or
15 protection.”; and

16 (2) by adding at the end the following:

17 “(D) IDENTIFICATION OF FEATURES.—In mak-
18 ing a critical habitat designation under section
19 4(a)(3)(A)(i), the Secretary shall identify with speci-
20 ficity the constituent elements of any physical or bio-
21 logical features that form the basis for such designa-
22 tion.”.

23 (b) PRIORITY FOR DESIGNATING CRITICAL HABI-
24 TAT.—Section 4(a)(3) is amended at the end by adding
25 the following:

1 “(C) PRIORITY FOR DESIGNATING CRIT-
2 ICAL HABITAT.—The Secretary may not des-
3 ignate habitat outside the geographical area oc-
4 cupied by the species as critical habitat unless
5 such designation is necessary to ensure the con-
6 tinued survival of such species.”.

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