

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.

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## 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

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## 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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