

107TH CONGRESS
2^D SESSION

H. R. 3798

To amend the Endangered Species Act of 1973 to require clear and convincing scientific data with respect to the designation of critical habitat of a species under that Act.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 26, 2002

Mr. TANCREDO (for himself and Mr. McINNIS) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To amend the Endangered Species Act of 1973 to require clear and convincing scientific data with respect to the designation of critical habitat of a species under that Act.

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 “Common Sense Critical
5 Habitat Act of 2002”.

1 **SEC. 2. LIMITATIONS ON DESIGNATION OF CRITICAL HABITAT.**
2

3 Section 4(b)(2) of the Endangered Species Act of
4 1973 (16 U.S.C. 1533(b)(2)) is amended—

5 (1) by inserting “(A)” after “(2)”; and

6 (2) by striking the second sentence and insert-
7 ing the following:

8 “(B) The Secretary may not designate an area as
9 critical habitat of a species—

10 “(i) unless the Secretary finds, based on clear
11 and convincing scientific data, that the area is, or
12 historically has been, occupied by a viable population
13 of the species; or

14 “(ii) if the Secretary determines that the bene-
15 fits of not designating the area outweigh the benefits
16 of designating the area.

17 “(C) Subparagraph (B) shall not apply with respect
18 to an area if the Secretary finds, based on clear and con-
19 vincing scientific and commercial data, that failure to des-
20 ignate such area as critical habitat will result in the ex-
21 tinction of the species.”.

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