

Huffman #1

**AMENDMENT OFFERED BY REPRESENTATIVE HUFFMAN TO H.J.RES. 46**

At the end, insert the following:

“It is also the sense of Congress that the definition of “habitat” promulgated by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on December 16, 2020, is inconsistent with the Endangered Species Act (16 U.S.C. 1531 et seq.). Such rule does not allow the designation of critical habitat to any area that does not currently or periodically contain something deemed a necessary resource or condition to support one or more life processes of a species, even though such area could do so as a result of natural transition following a disturbance such as fire or flood, in response to climate change, or after reasonable restoration. Notwithstanding Sec 801(b) of the Congressional Review Act (5 U.S.C. 801(b)), the U.S. Fish and Wildlife Service and the National Marine Fisheries Service may promulgate a new rule relating to critical habitat under the Endangered Species Act.”