

**AMENDMENT TO RULES COMMITTEE PRINT 117–**

**54**

**OFFERED BY MR. BIGGS OF ARIZONA**

At the end of title LV, add the following:

1 **SEC. 5505. EXCLUSIONS AND EXEMPTIONS FROM THE EN-**  
2 **DANGERED SPECIES ACT OF 1973 FOR DE-**  
3 **FENSE-RELATED OPERATIONS.**

4 (a) EXCLUSION OF MILITARY INSTITUTIONS AS  
5 CRITICAL HABITAT.—Section 4(a)(3)(B) of the Endan-  
6 gered Species Act of 1973 (16 U.S.C. 1533(a)(3)(B)) is  
7 amended to read as follows:

8 “(B)(i) The Secretary shall not designate  
9 as critical habitat—

10 “(I) any military installation or a  
11 State-owned National Guard installa-  
12 tion, or any portion thereof, as such  
13 terms are defined in section 100 of  
14 the Sikes Act; or

15 “(II) any other lands, waters, or  
16 geographical area that is otherwise  
17 designated for use by the Secretary of  
18 Defense including by any contractor  
19 of the Department of Defense, if the

1 Secretary of Defense determines in  
2 writing and submitted to the Sec-  
3 retary of the Interior that such area is  
4 necessary for military training, weap-  
5 ons testing, or any other reason deter-  
6 mined appropriate by such Secretary  
7 of Defense.

8 “(ii) The Secretary of Defense shall  
9 not be required to consult with the Sec-  
10 retary of the Interior, under section  
11 7(a)(2) of this Act with respect to agency  
12 action, regardless of whether the area de-  
13 scribed in clause (i) is subject to an inte-  
14 grated natural resources management plan  
15 prepared under section 101 of the Sikes  
16 Act.”.

17 (b) ADDITIONAL EXCLUSIONS AND EXEMPTIONS  
18 FROM THE ENDANGERED SPECIES ACT FOR DEFENSE-  
19 RELATED OPERATIONS.—Section 10 of the Endangered  
20 Species Act of 1973 (16 U.S.C. 1539) is amended by add-  
21 ing at the end the following new subsection:

22 “(h) EXCLUSION FOR NATIONAL DEFENSE-RELATED  
23 OPERATIONS.—

24 “(1) EXCLUSIONS.—The prohibitions under sec-  
25 tion 9 shall not apply with respect to military per-

1       sonnel engaged in a national defense-related oper-  
2       ation, unless such prohibited act is the purpose of  
3       such operation.

4               “(2) DEFINITIONS.—For the purposes of this  
5       subsection—

6               “(A) The term ‘national defense-related  
7       operation’ means—

8                       “(i) research, development, testing,  
9                       and evaluation of military munitions, other  
10                      ordnance, and weapons systems;

11                     “(ii) the training of members of the  
12                     Armed Forces in the use and handling of  
13                     military munitions, other ordnance, and  
14                     weapons systems;

15                     “(iii) general training and military  
16                     preparedness; or

17                     “(iv) any action or duty that the Sec-  
18                     retary of Defense determines necessary to  
19                     support the Department of Defense in its  
20                     mission.

21               “(B) The term ‘military personnel’  
22       means—

23                     “(i) a member of the Armed Forces;  
24                     and

1                   “(ii) a civilian employee or contractor  
2                   (including a subcontractor at any tier) of  
3                   the—  
4                   “(I) Department of Defense (in-  
5                   cluding a nonappropriated fund in-  
6                   strumentality of the Department); or  
7                   “(II) any other Federal agency,  
8                   or any provisional authority, to the  
9                   extent such employment relates to  
10                  supporting the mission of the Depart-  
11                  ment of Defense overseas.”.

