

116TH CONGRESS
2D SESSION

H. R. 5588

To amend the Endangered Species Act of 1973 to provide for consideration of the totality of conservation measures in determining the impact of proposed Federal agency action.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2020

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

A BILL

To amend the Endangered Species Act of 1973 to provide for consideration of the totality of conservation measures in determining the impact of proposed Federal agency action.

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 “Weigh Habitats Offset-
5 ting Locational Effects Act of 2020” or the “WHOLE Act
6 of 2020”.

1 **SEC. 2. CONSIDERATION OF THE TOTALITY OF CONSERVA-**
2 **TION MEASURES.**

3 Section 7(b)(3) of the Endangered Species Act of
4 1973 (16 U.S.C. 1536(b)(3)) is amended by adding at the
5 end the following:

6 “(C) In determining whether a Federal agency action
7 is likely to jeopardize the continued existence of any en-
8 dangered species or threatened species or result in the de-
9 struction or adverse modification of the critical habitat of
10 a species, the Secretary shall consider the offsetting ef-
11 fects of all avoidance, minimization, and other species-pro-
12 tection or conservation measures that are already in place
13 or proposed to be implemented as part of the action, in-
14 cluding the development, improvement, protection, or
15 management of species habitat whether or not it is des-
16 ignated as critical habitat of such species.”.

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