

118TH CONGRESS  
1ST SESSION

# H. R. 3494

To create dedicated funds to conserve butterflies in North America, plants in the Pacific Islands, freshwater mussels in the United States, and desert fish in the Southwest United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 18, 2023

Mr. GRIJALVA (for himself, Mrs. DINGELL, Mr. SABLAN, Mr. COHEN, Ms. NORTON, Mr. HUFFMAN, Mr. SOTO, Mr. BLUMENAUER, Ms. VELÁZQUEZ, and Mr. NEGUSE) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To create dedicated funds to conserve butterflies in North America, plants in the Pacific Islands, freshwater mussels in the United States, and desert fish in the Southwest United States, 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 (a) SHORT TITLE.—This Act may be cited as the  
5 “Extinction Prevention Act of 2023”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title.

TITLE I—NORTH AMERICA BUTTERFLY CONSERVATION ACT OF  
2023

Sec. 101. Short title.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. North America butterfly conservation assistance.

Sec. 105. North America Butterfly Conservation Fund.

Sec. 106. Authorization of appropriations.

Sec. 107. Report to Congress.

TITLE II—PACIFIC ISLANDS PLANT CONSERVATION FUND ACT  
OF 2023

Sec. 201. Short title.

Sec. 202. Purposes.

Sec. 203. Definitions.

Sec. 204. Pacific Islands plant conservation assistance.

Sec. 205. Pacific Islands Plant Conservation Fund.

Sec. 206. Authorization of appropriations.

Sec. 207. Report to Congress.

TITLE III—FRESHWATER MUSSEL CONSERVATION FUND ACT OF  
2023

Sec. 301. Short title.

Sec. 302. Purposes.

Sec. 303. Definitions.

Sec. 304. United States freshwater mussel conservation assistance.

Sec. 305. Freshwater Mussel Conservation Fund.

Sec. 306. Authorization of appropriations.

Sec. 307. Report to Congress.

TITLE IV—SOUTHWEST DESERT FISH CONSERVATION FUND ACT  
OF 2023

Sec. 401. Short title.

Sec. 402. Purposes.

Sec. 403. Definitions.

Sec. 404. Southwest desert fish conservation assistance.

Sec. 405. Southwest Desert Fish Conservation Fund.

Sec. 406. Authorization of appropriations.

Sec. 407. Report to Congress.

1 **TITLE I—NORTH AMERICA BUT-**  
2 **TERFLY CONSERVATION ACT**  
3 **OF 2023**

4 **SEC. 101. SHORT TITLE.**

5 This title may be cited as the “North America But-  
6 terfly Conservation Fund Act of 2023”.

7 **SEC. 102. PURPOSES.**

8 The purposes of this title are—

9 (1) to perpetuate healthy populations of butter-  
10 flies in North America;

11 (2) to assist in the conservation of threatened  
12 and endangered butterflies by supporting conserva-  
13 tion initiatives in North America; and

14 (3) to provide financial resources and to foster  
15 international cooperation for those initiatives.

16 **SEC. 103. DEFINITIONS.**

17 In this title:

18 (1) **NORTH AMERICA BUTTERFLY CONSERVA-**  
19 **TION.**—The term “North America butterfly con-  
20 servation” means the use of all methods and proce-  
21 dures necessary to protect habitats of butterflies in  
22 North America and of butterflies in those habitats,  
23 including—

24 (A) protection, restoration, and manage-  
25 ment of habitats;

1 (B) onsite research and monitoring of pop-  
2 ulations, habitats, annual reproduction, and  
3 butterfly species population trends;

4 (C) assistance in the development, imple-  
5 mentation, and improvement of national and re-  
6 gional management plans;

7 (D) enforcement and implementation of  
8 applicable conservation laws; and

9 (E) community outreach and education.

10 (2) FUND.—The term “Fund” means the  
11 North America Butterfly Conservation Fund estab-  
12 lished by section 105.

13 (3) BUTTERFLY; BUTTERFLIES.—The terms  
14 “butterfly” and “butterflies” mean any member of  
15 the order Lepidoptera.

16 (4) NORTH AMERICA.—The term “North Amer-  
17 ica” means the United States, Canada, Mexico, An-  
18 tigua and Barbuda, Bahamas, Barbados, Belize,  
19 Costa Rica, Cuba, Dominica, Dominican Republic,  
20 El Salvador, Grenada, Guatemala, Haiti, Honduras,  
21 Jamaica, Nicaragua, Panama, Saint Kitts and  
22 Nevis, Saint Lucia, Saint Vincent and the Grena-  
23 dines, and Trinidad and Tobago.

24 (5) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior.

1 **SEC. 104. NORTH AMERICA BUTTERFLY CONSERVATION AS-**  
2 **SISTANCE.**

3 (a) ASSISTANCE.—

4 (1) IN GENERAL.—The Secretary shall, in con-  
5 sultation with other Federal officials, use amounts in  
6 the Fund to provide competitive financial assistance,  
7 including multiyear grants, for North America but-  
8 terfly conservation projects.

9 (2) USE OF EXISTING AUTHORITIES.—Assist-  
10 ance provided under this section shall be carried out  
11 in a manner consistent with authorities available to  
12 the Secretary under the Endangered Species Act of  
13 1973 (16 U.S.C. 1531 et seq.).

14 (b) PROJECT PROPOSALS.—

15 (1) ELIGIBLE APPLICANTS.—A proposal for a  
16 North America butterfly conservation project may be  
17 submitted to the Secretary under this section by—

18 (A) a State or Tribal agency, research in-  
19 stitution, nonprofit organization, or wildlife  
20 management authority in North America that—

21 (i) exercises control or has jurisdiction  
22 over butterfly habitat; and

23 (ii) directly or indirectly affects North  
24 America butterfly conservation; or

25 (B) any other individual or entity, as the  
26 Secretary determines appropriate, with the

1 demonstrated expertise required to carry out  
2 North America butterfly conservation.

3 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

4 A Federal agency may not be a lead entity or receive  
5 funding for a project under this section, but may be  
6 included as a partner or collaborator on a project  
7 that receives such funding.

8 (3) REQUIRED ELEMENTS.—A project proposal  
9 submitted under this section shall include—

10 (A) a statement of the purposes of the  
11 project;

12 (B) the name of the individual or entity  
13 with overall responsibility for the project;

14 (C) a description of—

15 (i) the qualifications of the individual  
16 or entity that will conduct the project;

17 (ii) methods for project implementa-  
18 tion and outcome assessment;

19 (iii) staffing and stakeholder engage-  
20 ment for the project, including mechanisms  
21 to encourage adequate local public partici-  
22 pation in project development and imple-  
23 mentation;

24 (iv) the logistics of the project, includ-  
25 ing cost estimates and timelines; and

1                   (v) anticipated outcomes of the  
2                   project;

3                   (D) evidence of free, informed, and prior  
4                   consent by indigenous communities in the area  
5                   in which the project will be conducted, if the  
6                   Secretary determines that such consent is re-  
7                   quired for the success of the project;

8                   (E) assurances that the project will be im-  
9                   plemented in consultation with relevant wildlife  
10                  management authorities, Tribes, and other ap-  
11                  propriate government officials;

12                  (F) demonstrated sensitivity to local his-  
13                  toric and cultural resources and compliance  
14                  with applicable laws;

15                  (G) information that demonstrates the po-  
16                  tential of the project to contribute to North  
17                  America butterfly conservation;

18                  (H) evidence of support for the project  
19                  from each appropriate governmental entity of  
20                  each country, Tribe, and indigenous community  
21                  in which the project will be conducted, if the  
22                  Secretary determines that such support is re-  
23                  quired for the success of the project;

1 (I) information regarding the source and  
2 amount of any matching funding available for  
3 the project; and

4 (J) such other information as the Sec-  
5 retary determines appropriate.

6 (c) PROJECT REVIEW AND APPROVAL.—

7 (1) IN GENERAL.—The Secretary shall—

8 (A) not later than 30 days after receiving  
9 a project proposal, provide a copy of the pro-  
10 posal to other Federal officials, as appropriate;  
11 and

12 (B) review each project proposal to deter-  
13 mine whether the proposal meets the criteria  
14 specified in subsection (d).

15 (2) CONSULTATION; APPROVAL OR DIS-  
16 APPROVAL.—Not later than 180 days after receiving  
17 a project proposal, the Secretary shall, after con-  
18 sulting with other Federal officials, as appropriate,  
19 with respect to each project proposal submitted  
20 under this section—

21 (A) consult on the project proposal with  
22 the government of each country in which the  
23 project is to be conducted;



1 (B) after taking into consideration any  
2 comments resulting from such consultation, ap-  
3 prove or disapprove the project proposal; and

4 (C) provide written notification of the ap-  
5 proval or disapproval to the individual or entity  
6 that submitted the project proposal, such other  
7 Federal officials, and each country described in  
8 subparagraph (A).

9 (d) CRITERIA FOR APPROVAL.—

10 (1) IN GENERAL.—The Secretary may approve  
11 a project proposal under this section if the project  
12 will help recover and sustain viable populations of  
13 butterflies in the wild by assisting efforts to imple-  
14 ment North America butterfly conservation pro-  
15 grams.

16 (2) PRIORITY.—In selecting projects for ap-  
17 proval, the Secretary shall give priority to projects  
18 that conserve species of butterflies that are listed as  
19 a threatened or endangered species under the En-  
20 dangered Species Act of 1973 (16 U.S.C. 1531 et  
21 seq.).

22 (3) PROJECT SUSTAINABILITY.—To the max-  
23 imum extent practicable, in determining whether to  
24 approve a project proposal under this section, the  
25 Secretary shall give preference to projects that are

1 designed to ensure effective and long-term North  
2 America butterfly conservation.

3 (4) MATCHING FUNDS.—In determining wheth-  
4 er to approve a project proposal under this section,  
5 the Secretary shall give preference to projects for  
6 which matching funds are available.

7 (5) WAIVER.—The Secretary may waive the ap-  
8 plication of paragraphs (2), (3), or (4) with respect  
9 to a project if the Secretary—

10 (A) has identified the project as of high  
11 priority; and

12 (B) finds that such waiver is necessary to  
13 support the project.

14 (e) PROJECT REPORTING.—

15 (1) IN GENERAL.—Each individual or entity  
16 that receives assistance under this section for a  
17 project shall submit to the Secretary periodic reports  
18 (at such intervals as the Secretary determines ap-  
19 propriate) that include all information that the Sec-  
20 retary, after consultation with other government of-  
21 ficials, determines is necessary to evaluate the  
22 progress and success of such project for the pur-  
23 poses of ensuring positive results, assessing prob-  
24 lems, and fostering improvements.

1           (2) AVAILABILITY TO THE PUBLIC.—The Sec-  
2           retary shall make available to the public each report  
3           submitted under paragraph (1) and any other docu-  
4           ment relating to a project for which financial assist-  
5           ance is provided under this title.

6 **SEC. 105. NORTH AMERICA BUTTERFLY CONSERVATION**  
7           **FUND.**

8           (a) ESTABLISHMENT.—There is established in the  
9           Treasury a separate account, to be known as the “North  
10          America Butterfly Conservation Fund”, consisting of—

11           (1) amounts transferred to the Secretary for  
12          deposit into the Fund under subsection (e);

13           (2) amounts appropriated to the Fund under  
14          section 106; and

15           (3) any interest earned on investment of  
16          amounts in the Fund under subsection (c).

17          (b) EXPENDITURES FROM FUND.—

18           (1) IN GENERAL.—Subject to paragraph (2), at  
19          the request of the Secretary, the Secretary of the  
20          Treasury shall transfer from the Fund to the Sec-  
21          retary, without further appropriation, such amounts  
22          as the Secretary determines are necessary to carry  
23          out section 104.

24           (2) ADMINISTRATIVE EXPENSES.—Of the  
25          amounts in the Fund available for each fiscal year,

1 the Secretary may expend the greater of 3 percent  
2 of such amounts or \$80,000 to pay the administra-  
3 tive expenses necessary to carry out this title.

4 (c) INVESTMENT OF AMOUNTS.—

5 (1) IN GENERAL.—The Secretary of the Treas-  
6 ury shall invest such portion of the Fund as is not,  
7 in the judgment of the Secretary of the Treasury,  
8 required to meet current withdrawals. Such invest-  
9 ments may be made only in interest-bearing obliga-  
10 tions of the United States.

11 (2) ACQUISITION OF OBLIGATIONS.—For the  
12 purpose of investments under paragraph (1), obliga-  
13 tions may be acquired—

14 (A) on original issue at the issue price; or

15 (B) by purchase of outstanding obligations  
16 at market price.

17 (3) SALE OF OBLIGATIONS.—Any obligation ac-  
18 quired by the Fund may be sold by the Secretary of  
19 the Treasury at market price.

20 (4) CREDITS TO FUND.—The interest on, and  
21 the proceeds from the sale or redemption of, any ob-  
22 ligations held in the Fund shall be credited to and  
23 form a part of the Fund.

24 (d) TRANSFERS OF AMOUNTS.—

1           (1) IN GENERAL.—The Secretary of the Treas-  
2           ury shall transfer at least monthly the amounts re-  
3           quired to be transferred to the Fund under this sec-  
4           tion from the general fund of the Treasury to the  
5           Fund on the basis of estimates made by the Sec-  
6           retary of the Treasury.

7           (2) ADJUSTMENTS.—The Secretary of the  
8           Treasury shall make proper adjustment in amounts  
9           subsequently transferred to the extent prior esti-  
10          mates were in excess of or less than the amounts re-  
11          quired to be transferred.

12          (e) ACCEPTANCE AND USE OF DONATIONS.—

13           (1) IN GENERAL.—The Secretary may accept  
14           for the Government a gift of any of the following to  
15           provide assistance under section 104:

16                   (A) Money.

17                   (B) An obligation of the Government in-  
18                   cluded in the public debt made only on the con-  
19                   dition that the obligation be canceled and re-  
20                   tired and not reissued.

21                   (C) Other intangible personal property  
22                   made only on the condition that the property is  
23                   sold on the best terms available and the pro-  
24                   ceeds are deposited in the Fund.

1           (2) DISCRETION TO REJECT A GIFT.—The Sec-  
2           retary may reject a gift under this section when the  
3           rejection is in the interest of the Government.

4           (3) TAXES.—If a gift received under this sub-  
5           section is subject to a gift or inheritance tax, the  
6           Secretary may pay the tax out of the proceeds of the  
7           gift or the proceeds of the redemption or sale of the  
8           gift.

9   **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

10          There are authorized to be appropriated to the Sec-  
11          retary \$5,000,000 for each of fiscal years 2024 through  
12          2029 to carry out this title.

13   **SEC. 107. REPORT TO CONGRESS.**

14          (a) IN GENERAL.—Not later than January 31 of  
15          each calendar year after the date of the enactment of this  
16          title, the Secretary shall submit to Congress a report re-  
17          garding the Fund and the status of butterflies in North  
18          America during the preceding calendar year.

19          (b) CONTENTS OF REPORTS.—Each report submitted  
20          under subsection (a) shall include, with respect to the cal-  
21          endar year for which such report is submitted—

22                 (1) the total amount deposited into and ex-  
23                 pended from the Fund;

24                 (2) the costs associated with carrying out this  
25                 title;

1           (3) a summary of the projects for which the  
2           Secretary provided assistance under section 104 and  
3           an evaluation of such projects; and

4           (4) an evaluation of the status of threatened  
5           and endangered populations of butterflies in North  
6           America.

7           **TITLE     II—PACIFIC     ISLANDS**  
8           **PLANT CONSERVATION FUND**  
9           **ACT OF 2023**

10          **SEC. 201. SHORT TITLE.**

11           This title may be cited as the “Pacific Islands Plant  
12          Conservation Fund Act of 2023”.

13          **SEC. 202. PURPOSES.**

14           The purposes of this title are—

15           (1) to assist in the conservation of threatened  
16           and endangered species of plants in the Pacific Is-  
17           lands; and

18           (2) to support and provide financial resources  
19           for projects to conserve such species of plants and  
20           the ecosystems of such species of plants and to ad-  
21           dress other threats to the survival of such species of  
22           plants.

23          **SEC. 203. DEFINITIONS.**

24           In this title:

1 (1) PACIFIC ISLANDS PLANT CONSERVATION.—

2 The term “Pacific Islands plant conservation”  
3 means the use of all methods and procedures nec-  
4 essary to protect species of plants in the Pacific Is-  
5 lands including—

6 (A) protection, restoration, and manage-  
7 ment of ecosystems;

8 (B) onsite research and monitoring of pop-  
9 ulations, ecosystems, annual reproduction, and  
10 plant population trends;

11 (C) assistance in the development, imple-  
12 mentation, and improvement of management  
13 plans;

14 (D) enforcement and implementation of  
15 applicable conservation laws; and

16 (E) community outreach and education.

17 (2) FUND.—The term “Fund” means the Pa-  
18 cific Islands Plant Conservation Fund established by  
19 section 205.

20 (3) PACIFIC ISLANDS.—The term “Pacific Is-  
21 lands” means the Hawaiian Islands and the United  
22 States territories of Guam, American Samoa, and  
23 the Northern Mariana Islands.

24 (4) SECRETARY.—The term “Secretary” means  
25 the Secretary of the Interior.



1 **SEC. 204. PACIFIC ISLANDS PLANT CONSERVATION ASSIST-**  
2 **ANCE.**

3 (a) ASSISTANCE.—

4 (1) IN GENERAL.—The Secretary shall, in con-  
5 sultation with other Federal officials, use amounts in  
6 the Fund to provide competitive financial assistance,  
7 including multiyear grants, for Pacific Islands plant  
8 conservation projects.

9 (2) USE OF EXISTING AUTHORITIES.—Assist-  
10 ance provided under this section shall be carried out  
11 in a manner consistent with authorities available to  
12 the Secretary under the Endangered Species Act of  
13 1973 (16 U.S.C. 1531 et seq.).

14 (b) PROJECT PROPOSALS.—

15 (1) ELIGIBLE APPLICANTS.—A project proposal  
16 for Pacific Islands plant conservation may be sub-  
17 mitted to the Secretary under this section by a  
18 State, territory, or Tribal agency or any other indi-  
19 vidual or entity, as determined appropriate by the  
20 Secretary, with the expertise required to carry out  
21 Pacific Islands plant conservation.

22 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—  
23 A Federal agency may not be a lead entity or receive  
24 funding for a project under this section, but may be  
25 included as a partner or collaborator on a project  
26 that receives such funding.

1           (3) REQUIRED ELEMENTS.—A project proposal  
2 submitted under this section shall include—

3           (A) a statement of the purposes of the  
4 project;

5           (B) the name of the individual or entity  
6 with overall responsibility for the project;

7           (C) a description of—

8           (i) the qualifications of the individual  
9 or entity that will conduct the project;

10           (ii) methods for project implementa-  
11 tion and outcome assessment;

12           (iii) staffing and stakeholder engage-  
13 ment for the project, including mechanisms  
14 to ensure adequate local public participa-  
15 tion in project development and implemen-  
16 tation;

17           (iv) the logistics of the project, includ-  
18 ing cost estimates and timelines;

19           (v) anticipated outcomes of the  
20 project; and

21           (vi) how the project will promote sus-  
22 tainable, effective, long-term programs to  
23 conserve plant populations on the Pacific  
24 Islands;

1 (D) assurances that the project will be im-  
2 plemented in consultation with relevant wildlife  
3 management authorities, Tribes, and other ap-  
4 propriate government officials;

5 (E) demonstrated sensitivity to local his-  
6 toric and cultural resources and compliance  
7 with applicable laws;

8 (F) information that demonstrates the po-  
9 tential of the project to contribute to Pacific Is-  
10 lands plant conservation;

11 (G) information regarding the source and  
12 amount of any matching funding available for  
13 the project; and

14 (H) such other information as the Sec-  
15 retary determines appropriate.

16 (c) PROJECT REVIEW AND APPROVAL.—

17 (1) IN GENERAL.—The Secretary shall—

18 (A) not later than 30 days after receiving  
19 a project proposal, provide a copy of the pro-  
20 posal to other Federal officials, as appropriate;  
21 and

22 (B) review each project proposal to deter-  
23 mine whether the proposal meets the criteria  
24 specified in subsection (d).

1           (2) CONSULTATION; APPROVAL OR DIS-  
2 APPROVAL.—The Secretary shall, after consulting  
3 with other Federal officials, as appropriate, with re-  
4 spect to each project proposal submitted under this  
5 section—

6           (A) consult on the project proposal with  
7 the government of each State or territory in  
8 which such project is to be conducted;

9           (B) after taking into consideration any  
10 comments resulting from such consultation, ap-  
11 prove or disapprove the project proposal; and

12           (C) provide written notification of the ap-  
13 proval or disapproval to the individual or entity  
14 that submitted the project proposal, such other  
15 Federal officials, and each State or territory de-  
16 scribed in subparagraph (A).

17 (d) CRITERIA FOR APPROVAL.—

18           (1) IN GENERAL.—The Secretary may approve  
19 a project proposal under this section if the project  
20 will help recover and sustain viable populations of  
21 threatened and endangered plants by assisting ef-  
22 forts to implement Pacific Islands plant conservation  
23 programs.

24           (2) PRIORITY.—In selecting projects for ap-  
25 proval, the Secretary shall give priority to projects

1 that conserve species of plants that are listed as a  
2 threatened or endangered species under the Endan-  
3 gered Species Act of 1973 (16 U.S.C. 1531 et. seq.).

4 (3) PROJECT SUSTAINABILITY.—To the max-  
5 imum extent practicable, in determining whether to  
6 approve a project proposal under this section, the  
7 Secretary shall give preference to projects that are  
8 designed to ensure effective and long-term Pacific  
9 Islands plant conservation.

10 (4) MATCHING FUNDS.—In determining wheth-  
11 er to approve a project proposal under this section,  
12 the Secretary shall give preference to projects for  
13 which matching funds are available.

14 (5) WAIVER.—The Secretary may waive the ap-  
15 plication of paragraphs (2), (3), or (4) with respect  
16 to a project if the Secretary—

17 (A) has identified the project as of high  
18 priority; and

19 (B) finds that such waiver is necessary to  
20 support the project.

21 (e) PROJECT REPORTING.—

22 (1) IN GENERAL.—Each individual or entity  
23 that receives assistance under this section for a  
24 project shall submit to the Secretary periodic reports  
25 (at such intervals as the Secretary determines ap-

1       appropriate) that include all information that the Sec-  
2       retary, after consultation with other government of-  
3       ficials, determines is necessary to evaluate the  
4       progress and success of such project for the pur-  
5       poses of ensuring positive results, assessing prob-  
6       lems, and fostering improvements.

7               (2) AVAILABILITY TO THE PUBLIC.—The Sec-  
8       retary shall make available to the public each report  
9       submitted under paragraph (1) and any other docu-  
10      ment relating to a project for which financial assist-  
11      ance is provided under this title.

12 **SEC. 205. PACIFIC ISLANDS PLANT CONSERVATION FUND.**

13       (a) ESTABLISHMENT.—There is established in the  
14      Treasury a separate account, to be known as the “Pacific  
15      Islands Plant Conservation Fund”, consisting of—

16               (1) amounts transferred to the Secretary for  
17      deposit into the Fund under subsection (e);

18               (2) amounts appropriated to the Fund under  
19      section 206; and

20               (3) any interest earned on investment of  
21      amounts in the Fund under subsection (e).

22       (b) EXPENDITURES FROM FUND.—

23               (1) IN GENERAL.—Subject to paragraph (2), at  
24      the request of the Secretary, the Secretary of the  
25      Treasury shall transfer from the Fund to the Sec-

1       retary, without further appropriation, such amounts  
2       as the Secretary determines are necessary to carry  
3       out section 204.

4           (2) ADMINISTRATIVE EXPENSES.—Of the  
5       amounts in the Fund available for each fiscal year,  
6       the Secretary may expend the greater of 3 percent  
7       of such amounts or \$80,000 to pay the administra-  
8       tive expenses necessary to carry out this title.

9       (c) INVESTMENT OF AMOUNTS.—

10           (1) IN GENERAL.—The Secretary of the Treas-  
11       ury shall invest such portion of the Fund as is not,  
12       in the judgment of the Secretary of the Treasury,  
13       required to meet current withdrawals. Such invest-  
14       ments may be made only in interest-bearing obliga-  
15       tions of the United States.

16           (2) ACQUISITION OF OBLIGATIONS.—For the  
17       purpose of investments under paragraph (1), obliga-  
18       tions may be acquired—

19                   (A) on original issue at the issue price; or

20                   (B) by purchase of outstanding obligations  
21       at market price.

22           (3) SALE OF OBLIGATIONS.—Any obligation ac-  
23       quired by the Fund may be sold by the Secretary of  
24       the Treasury at market price.

1           (4) CREDITS TO FUND.—The interest on, and  
2           the proceeds from the sale or redemption of, any ob-  
3           ligations held in the Fund shall be credited to and  
4           form a part of the Fund.

5           (d) TRANSFERS OF AMOUNTS.—

6           (1) IN GENERAL.—The Secretary of the Treas-  
7           ury shall transfer at least monthly the amounts re-  
8           quired to be transferred to the Fund under this sec-  
9           tion from the general fund of the Treasury to the  
10          Fund on the basis of estimates made by the Sec-  
11          retary of the Treasury.

12          (2) ADJUSTMENTS.—The Secretary of the  
13          Treasury shall make proper adjustment in amounts  
14          subsequently transferred to the extent prior esti-  
15          mates were in excess of or less than the amounts re-  
16          quired to be transferred.

17          (e) ACCEPTANCE AND USE OF DONATIONS.—

18          (1) IN GENERAL.—The Secretary may accept  
19          for the Government a gift of any of the following to  
20          provide assistance under section 204:

21                  (A) Money.

22                  (B) An obligation of the Government in-  
23                  cluded in the public debt made only on the con-  
24                  dition that the obligation be canceled and re-  
25                  tired and not reissued.



1           (C) Other intangible personal property  
2           made only on the condition that the property is  
3           sold on the best terms available and the pro-  
4           ceeds are deposited in the Fund.

5           (2) DISCRETION TO REJECT A GIFT.—The Sec-  
6           retary may reject a gift under this section when the  
7           rejection is in the interest of the Government.

8           (3) TAXES.—If a gift received under this sub-  
9           section is subject to a gift or inheritance tax, the  
10          Secretary may pay the tax out of the proceeds of the  
11          gift or the proceeds of the redemption or sale of the  
12          gift.

13 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

14          There are authorized to be appropriated to the Sec-  
15          retary \$5,000,000 for each of fiscal years 2024 through  
16          2029 to carry out this title.

17 **SEC. 207. REPORT TO CONGRESS.**

18          (a) IN GENERAL.—Not later than January 31 of  
19          each calendar year after the date of the enactment of this  
20          title, the Secretary shall submit to Congress a report re-  
21          garding the Fund and the status of species of plants in  
22          the Pacific Islands during the preceding calendar year.

23          (b) CONTENTS OF REPORTS.—Each report submitted  
24          under subsection (a) shall include with respect to the cal-  
25          endar year for which the report is submitted—

1           (1) the total amount deposited into and ex-  
2           pended from the Fund;

3           (2) the costs associated with carrying out this  
4           title;

5           (3) a summary of the projects for which the  
6           Secretary provided assistance under section 204 and  
7           an evaluation of such projects; and

8           (4) an evaluation of the status of threatened  
9           and endangered populations of plants in the Pacific  
10          Islands.

11 **TITLE III—FRESHWATER MUS-**  
12 **SEL CONSERVATION FUND**  
13 **ACT OF 2023**

14 **SEC. 301. SHORT TITLE.**

15          This title may be cited as the “Freshwater Mussel  
16 Conservation Fund Act of 2023”.

17 **SEC. 302. PURPOSES.**

18          The purposes of this title are—

19           (1) to assist in the conservation of threatened  
20           and endangered freshwater mussels and the habitats  
21           of such freshwater mussels in the United States; and

22           (2) to support and provide financial resources  
23           for projects to conserve such freshwater mussels and  
24           the habitats of such freshwater mussels and to ad-

1 dress other threats to the survival of such freshwater  
2 mussels.

3 **SEC. 303. DEFINITIONS.**

4 In this title:

5 (1) UNITED STATES FRESHWATER MUSSEL  
6 CONSERVATION.—The term “United States fresh-  
7 water mussel conservation” means the use of all  
8 methods and procedures necessary to protect habi-  
9 tats of freshwater mussel species in the United  
10 States and of the freshwater mussel species in those  
11 habitats, including—

12 (A) protection, restoration, and manage-  
13 ment of habitats;

14 (B) onsite research and monitoring of pop-  
15 ulations, habitats, annual reproduction, and  
16 freshwater mussel species population trends;

17 (C) assistance in the development, imple-  
18 mentation, and improvement of national and re-  
19 gional management plans;

20 (D) enforcement and implementation of  
21 applicable conservation laws; and

22 (E) community outreach and education.

23 (2) FUND.—The term “Fund” means the  
24 Freshwater Mussel Conservation Fund established  
25 by section 305.

1           (3) FRESHWATER MUSSEL; FRESHWATER MUS-  
2           SELS.—The terms “freshwater mussel” and “fresh-  
3           water mussels” mean any member of the order  
4           Unionida.

5           (4) SECRETARY.—The term “Secretary” means  
6           the Secretary of the Interior.

7   **SEC. 304. UNITED STATES FRESHWATER MUSSEL CON-**  
8           **SERVATION ASSISTANCE.**

9           (a) ASSISTANCE.—

10           (1) IN GENERAL.—The Secretary shall, in con-  
11           sultation with other Federal officials, use amounts in  
12           the Fund to provide competitive financial assistance,  
13           including multiyear grants, for United States fresh-  
14           water mussel conservation projects.

15           (2) USE OF EXISTING AUTHORITIES.—Assist-  
16           ance provided under this section shall be carried out  
17           in a manner consistent with authorities available to  
18           the Secretary under the Endangered Species Act of  
19           1973 (16 U.S.C. 1531 et seq.).

20           (b) PROJECT PROPOSALS.—

21           (1) ELIGIBLE APPLICANTS.—A project proposal  
22           for United States freshwater mussel conservation  
23           may be submitted to the Secretary under this section  
24           by a State or Tribal agency, research institution,  
25           nonprofit organization, or any other individual or en-

1 tity, as determined appropriate by the Secretary,  
2 with the expertise required to carry out United  
3 States freshwater mussel conservation.

4 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

5 A Federal agency may not be a lead entity or receive  
6 funding for a project under this section, but may be  
7 included as a partner or collaborator on a project  
8 that receives such funding.

9 (3) REQUIRED ELEMENTS.—A project proposal  
10 submitted under this section shall include—

11 (A) a statement of the purposes of the  
12 project;

13 (B) the name of the individual or entity  
14 with overall responsibility for the project;

15 (C) a description of—

16 (i) the qualifications of the individual  
17 or entity that will conduct the project;

18 (ii) methods for project implementa-  
19 tion and outcome assessment;

20 (iii) staffing and stakeholder engage-  
21 ment for the project, including mechanisms  
22 to ensure adequate local public participa-  
23 tion in project development and implemen-  
24 tation;

1 (iv) the logistics of the project, includ-  
2 ing cost estimates and timelines;

3 (v) anticipated outcomes of the  
4 project; and

5 (vi) how the project will promote sus-  
6 tainable, effective, long-term programs to  
7 conserve freshwater mussels in the United  
8 States;

9 (D) assurances that the project will be im-  
10 plemented in consultation with relevant wildlife  
11 management authorities, Tribes, and other ap-  
12 propriate government officials;

13 (E) demonstrated sensitivity to local his-  
14 toric and cultural resources and compliance  
15 with applicable laws;

16 (F) information that demonstrates the po-  
17 tential of the project to contribute to United  
18 States freshwater mussel conservation;

19 (G) information regarding the source and  
20 amount of any matching funding available for  
21 the project; and

22 (H) such other information as the Sec-  
23 retary determines appropriate.

24 (c) PROJECT REVIEW AND APPROVAL.—

25 (1) IN GENERAL.—The Secretary shall—

1 (A) solicit project proposals for assistance  
2 under this section;

3 (B) provide a copy of each project proposal  
4 submitted in response to such solicitation to  
5 other Federal officials, as appropriate; and

6 (C) review each such proposal on a  
7 timeline that recognizes the urgency of the de-  
8 clining number of freshwater mussels in the  
9 United States to determine whether the pro-  
10 posal meets the criteria specified in subsection  
11 (d).

12 (2) CONSULTATION; APPROVAL OR DIS-  
13 APPROVAL.—The Secretary shall, after consulting  
14 with other Federal officials, as appropriate, with re-  
15 spect to each project proposal submitted under this  
16 section—

17 (A) consult on the project proposal with  
18 the government of each State in which the  
19 project is to be conducted;

20 (B) after taking into consideration any  
21 comments resulting from such consultation, ap-  
22 prove or disapprove the project proposal; and

23 (C) provide written notification of the ap-  
24 proval or disapproval to the individual or entity  
25 that submitted the project proposal, such other

1 Federal officials, and each State described in  
2 subparagraph (A).

3 (d) CRITERIA FOR APPROVAL.—

4 (1) IN GENERAL.—The Secretary may approve  
5 a project proposal under this section if the project  
6 shows promise for contributing to recovering and  
7 sustaining freshwater mussel populations in the wild  
8 in the United States.

9 (2) PRIORITY.—In selecting projects for ap-  
10 proval, the Secretary shall give priority to projects  
11 that conserve species of freshwater mussels that are  
12 listed as a threatened or endangered species under  
13 the Endangered Species Act of 1973 (16 U.S.C.  
14 1531 et seq.).

15 (3) PROJECT SUSTAINABILITY.—To the max-  
16 imum extent practicable, in determining whether to  
17 approve a project proposal under this section, the  
18 Secretary shall give preference to projects that are  
19 designed to ensure effective and long-term United  
20 States freshwater mussel conservation.

21 (4) MATCHING FUNDS.—In determining wheth-  
22 er to approve a project proposal under this section,  
23 the Secretary shall give preference to projects for  
24 which matching funds are available.



1           (5) WAIVER.—The Secretary may waive the ap-  
2           plication of paragraphs (2), (3), or (4) with respect  
3           to a project if the Secretary—

4                   (A) has identified the project as of high  
5           priority; and

6                   (B) finds that such waiver is necessary to  
7           support the project.

8           (e) PROJECT REPORTING.—

9           (1) IN GENERAL.—Each individual or entity  
10          that receives assistance under this section for a  
11          project shall submit to the Secretary periodic reports  
12          (at such intervals as the Secretary determines ap-  
13          propriate) that include all information that the Sec-  
14          retary, after consultation with other government of-  
15          ficials, determines is necessary to evaluate the  
16          progress and success of such project for the pur-  
17          poses of ensuring positive results, assessing prob-  
18          lems, and fostering improvements.

19          (2) AVAILABILITY TO THE PUBLIC.—The Sec-  
20          retary shall make available to the public each report  
21          submitted under paragraph (1) and any other docu-  
22          ment relating to a project for which financial assist-  
23          ance is provided under this title.

1 **SEC. 305. FRESHWATER MUSSEL CONSERVATION FUND.**

2 (a) ESTABLISHMENT.—There is established in the  
3 Treasury a separate account, to be known as the “Fresh-  
4 water Mussel Conservation Fund”, consisting of—

5 (1) amounts transferred to the Secretary for  
6 deposit into the Fund under subsection (e);

7 (2) amounts appropriated to the Fund under  
8 section 306; and

9 (3) any interest earned on investment of  
10 amounts in the Fund under subsection (c).

11 (b) EXPENDITURES FROM FUND.—

12 (1) IN GENERAL.—Subject to paragraph (2), at  
13 the request of the Secretary, the Secretary of the  
14 Treasury shall transfer from the Fund to the Sec-  
15 retary, without further appropriation, such amounts  
16 as the Secretary determines are necessary to carry  
17 out section 304.

18 (2) ADMINISTRATIVE EXPENSES.—Of the  
19 amounts in the Fund available for each fiscal year,  
20 the Secretary may expend the greater of 3 percent  
21 of such amounts or \$80,000 to pay the administra-  
22 tive expenses necessary to carry out this title.

23 (c) INVESTMENT OF AMOUNTS.—

24 (1) IN GENERAL.—The Secretary of the Treas-  
25 ury shall invest such portion of the Fund as is not,  
26 in the judgment of the Secretary of the Treasury,

1 required to meet current withdrawals. Such invest-  
2 ments may be made only in interest-bearing obliga-  
3 tions of the United States.

4 (2) ACQUISITION OF OBLIGATIONS.—For the  
5 purpose of investments under paragraph (1), obliga-  
6 tions may be acquired—

7 (A) on original issue at the issue price; or

8 (B) by purchase of outstanding obligations  
9 at market price.

10 (3) SALE OF OBLIGATIONS.—Any obligation ac-  
11 quired by the Fund may be sold by the Secretary of  
12 the Treasury at market price.

13 (4) CREDITS TO FUND.—The interest on, and  
14 the proceeds from the sale or redemption of, any ob-  
15 ligations held in the Fund shall be credited to and  
16 form a part of the Fund.

17 (d) TRANSFERS OF AMOUNTS.—

18 (1) IN GENERAL.—The Secretary of the Treas-  
19 ury shall transfer at least monthly the amounts re-  
20 quired to be transferred to the Fund under this sec-  
21 tion from the general fund of the Treasury to the  
22 Fund on the basis of estimates made by the Sec-  
23 retary of the Treasury.

24 (2) ADJUSTMENTS.—The Secretary of the  
25 Treasury shall make proper adjustment in amounts

1 subsequently transferred to the extent prior esti-  
2 mates were in excess of or less than the amounts re-  
3 quired to be transferred.

4 (e) ACCEPTANCE AND USE OF DONATIONS.—

5 (1) IN GENERAL.—The Secretary may accept  
6 for the Government a gift of any of the following to  
7 provide assistance under section 304:

8 (A) Money.

9 (B) An obligation of the Government in-  
10 cluded in the public debt made only on the con-  
11 dition that the obligation be canceled and re-  
12 tired and not reissued.

13 (C) Other intangible personal property  
14 made only on the condition that the property is  
15 sold on the best terms available and the pro-  
16 ceeds are deposited in the Fund.

17 (2) DISCRETION TO REJECT A GIFT.—The Sec-  
18 retary may reject a gift under this section when the  
19 rejection is in the interest of the Government.

20 (3) TAXES.—If a gift received under this sub-  
21 section is subject to a gift or inheritance tax, the  
22 Secretary may pay the tax out of the proceeds of the  
23 gift or the proceeds of the redemption or sale of the  
24 gift.

1 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the Sec-  
3 retary \$5,000,000 for each of fiscal years 2024 through  
4 2029 to carry out this title.

5 **SEC. 307. REPORT TO CONGRESS.**

6       (a) IN GENERAL.—Not later than January 31 of  
7 each calendar year after the date of the enactment of this  
8 title, the Secretary shall submit to Congress a report re-  
9 garding the Fund and the status of freshwater mussels  
10 in the United States during the preceding calendar year.

11       (b) CONTENTS OF REPORTS.—Each such report shall  
12 include with respect to the calendar year for which the  
13 report is submitted—

14           (1) the total amount deposited into and ex-  
15 pended from the Fund;

16           (2) the costs associated with carrying out this  
17 title;

18           (3) a summary of the projects for which the  
19 Secretary has provided assistance under section 304  
20 and an evaluation of those projects; and

21           (4) an evaluation of the status of threatened  
22 and endangered populations of freshwater mussel in  
23 the United States.

1 **TITLE IV—SOUTHWEST DESERT**  
2 **FISH CONSERVATION FUND**  
3 **ACT OF 2023**

4 **SEC. 401. SHORT TITLE.**

5 This title may be cited as the “Southwest Desert Fish  
6 Conservation Fund Act of 2023”.

7 **SEC. 402. PURPOSES.**

8 The purposes of this title are—

9 (1) to assist in the conservation of threatened  
10 and endangered desert fish and the habitats of such  
11 desert fish in the Southwest; and

12 (2) to support and provide financial resources  
13 for projects to conserve such desert fish and the  
14 habitats of such desert fish and to address other  
15 threats to the survival of such desert fish species.

16 **SEC. 403. DEFINITIONS.**

17 In this title:

18 (1) **SOUTHWEST DESERT FISH CONSERVA-**  
19 **TION.**—The term “Southwest desert fish conserva-  
20 tion” means the use of all methods and procedures  
21 necessary to protect habitats of desert fish species in  
22 the Southwest and of the desert fish species in those  
23 habitats, including—

24 (A) protection, restoration, and manage-  
25 ment of habitats;

1 (B) onsite research and monitoring of pop-  
2 ulations, habitats, annual reproduction, and  
3 desert fish species population trends;

4 (C) assistance in the development, imple-  
5 mentation, and improvement of national and re-  
6 gional management plans;

7 (D) enforcement and implementation of  
8 applicable conservation laws; and

9 (E) community outreach and education.

10 (2) FUND.—The term “Fund” means the  
11 Southwest Desert Fish Conservation Fund estab-  
12 lished by section 405.

13 (3) DESERT FISH.—The term “desert fish”  
14 means any member of the class Osteichthyes living  
15 in a desert ecosystem.

16 (4) SOUTHWEST.—The term “Southwest”  
17 means the States of Arizona, California, Colorado,  
18 Nevada, New Mexico, and Utah.

19 (5) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21 **SEC. 404. SOUTHWEST DESERT FISH CONSERVATION AS-**  
22 **SISTANCE.**

23 (a) ASSISTANCE.—

24 (1) IN GENERAL.—The Secretary shall, in con-  
25 sultation with other Federal officials, use amounts in

1 the Fund to provide competitive financial assistance,  
2 including multiyear grants, for Southwest desert fish  
3 conservation projects.

4 (2) USE OF EXISTING AUTHORITIES.—Assist-  
5 ance provided under this section shall be carried out  
6 in a manner consistent with authorities available to  
7 the Secretary under the Endangered Species Act of  
8 1973 (16 U.S.C. 1531 et seq.).

9 (b) PROJECT PROPOSALS.—

10 (1) ELIGIBLE APPLICANTS.—A project proposal  
11 for Southwest desert fish conservation may be sub-  
12 mitted to the Secretary under this section by a State  
13 or Tribal agency, research institution, nonprofit or-  
14 ganization, or any other individual or entity, as de-  
15 termined appropriate by the Secretary, with the ex-  
16 pertise required to carry out Southwest desert fish  
17 conservation.

18 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—  
19 A Federal agency may not be a lead entity or receive  
20 funding for a project under this section, but may be  
21 included as a partner or collaborator on a project  
22 that receives such funding.

23 (3) REQUIRED ELEMENTS.—A project proposal  
24 submitted under this section shall include—



1 (A) a statement of the purposes of the  
2 project;

3 (B) the name of the individual or entity  
4 with overall responsibility for the project;

5 (C) a description of—

6 (i) the qualifications of the individual  
7 or entity that will conduct the project;

8 (ii) methods for project implementa-  
9 tion and outcome assessment;

10 (iii) staffing and stakeholder engage-  
11 ment for the project, including mechanisms  
12 to ensure adequate local public participa-  
13 tion in project development and implemen-  
14 tation;

15 (iv) the logistics of the project, includ-  
16 ing cost estimates and timelines;

17 (v) anticipated outcomes of the  
18 project; and

19 (vi) how the project will promote sus-  
20 tainable, effective, long-term programs to  
21 conserve desert fish in the Southwest;

22 (D) assurances that the project will be im-  
23 plemented in consultation with relevant wildlife  
24 management authorities, Tribes, and other ap-  
25 propriate government officials;

1           (E) demonstrated sensitivity to local his-  
2           toric and cultural resources and compliance  
3           with applicable laws;

4           (F) information that demonstrates the po-  
5           tential of the project to contribute to Southwest  
6           desert fish conservation;

7           (G) information regarding the source and  
8           amount of any matching funding available for  
9           the project; and

10          (H) such other information as the Sec-  
11          retary determines appropriate.

12          (c) PROJECT REVIEW AND APPROVAL.—

13           (1) IN GENERAL.—The Secretary shall—

14           (A) solicit project proposals for assistance  
15           under this section;

16           (B) provide a copy of each project proposal  
17           submitted in response to such solicitation to  
18           other Federal officials, as appropriate; and

19           (C) review each such proposal on a  
20           timeline that recognizes the urgency of the de-  
21           clining number of desert fish in the Southwest  
22           to determine whether the proposal meets the  
23           criteria specified in subsection (d).

24           (2) CONSULTATION; APPROVAL OR DIS-  
25           APPROVAL.—The Secretary shall, after consulting

1 with other Federal officials, as appropriate, with re-  
2 spect to each project proposal submitted under this  
3 section—

4 (A) consult with respect to the proposal  
5 with the government of each State in which the  
6 project is to be conducted;

7 (B) after taking into consideration any  
8 comments resulting from such consultation, ap-  
9 prove or disapprove the project proposal; and

10 (C) provide written notification of the ap-  
11 proval or disapproval to the individual or entity  
12 that submitted the proposal, such other Federal  
13 officials, and each State described in subpara-  
14 graph (A).

15 (d) CRITERIA FOR APPROVAL.—

16 (1) IN GENERAL.—The Secretary may approve  
17 a project proposal under this section if the project  
18 shows promise for contributing to recovering and  
19 sustaining desert fish populations in the wild in the  
20 Southwest.

21 (2) PRIORITY.—In selecting projects for ap-  
22 proval, the Secretary shall give priority to projects  
23 that conserve threatened and endangered species of  
24 desert fish listed under the Endangered Species Act  
25 of 1973 (16 U.S.C. 1531 et. seq.).

1           (3) PROJECT SUSTAINABILITY.—To the max-  
2           imum extent practicable, in determining whether to  
3           approve a project proposal under this section, the  
4           Secretary shall give preference to projects that are  
5           designed to ensure effective and long-term South-  
6           west desert fish conservation.

7           (4) MATCHING FUNDS.—In determining wheth-  
8           er to approve a project proposal under this section,  
9           the Secretary shall give preference to projects for  
10          which matching funds are available.

11          (5) WAIVER.—The Secretary may waive the ap-  
12          plication of paragraph (2), (3), or (4) with respect  
13          to a project if the Secretary—

14                 (A) has identified the project as of high  
15                 priority; and

16                 (B) finds that such waiver is necessary to  
17                 support the project.

18          (e) PROJECT REPORTING.—

19                 (1) IN GENERAL.—Each individual or entity  
20                 that receives assistance under this section for a  
21                 project shall submit to the Secretary periodic reports  
22                 (at such intervals as the Secretary determines ap-  
23                 propriate) that include all information that the Sec-  
24                 retary, after consultation with other government of-  
25                 ficials, determines is necessary to evaluate the

1 progress and success of such project for the pur-  
2 poses of ensuring positive results, assessing prob-  
3 lems, and fostering improvements.

4 (2) AVAILABILITY TO THE PUBLIC.—The Sec-  
5 retary shall make available to the public each report  
6 submitted under paragraph (1) and any other docu-  
7 ment relating to a project for which financial assist-  
8 ance is provided under this title.

9 **SEC. 405. SOUTHWEST DESERT FISH CONSERVATION FUND.**

10 (a) ESTABLISHMENT.—There is established in the  
11 Treasury a separate account, to be known as the “South-  
12 west Desert Fish Conservation Fund”, consisting of—

13 (1) amounts transferred to the Secretary for  
14 deposit into the Fund under subsection (e);

15 (2) amounts appropriated to the Fund under  
16 section 406; and

17 (3) any interest earned on investment of  
18 amounts in the Fund under subsection (e).

19 (b) EXPENDITURES FROM FUND.—

20 (1) IN GENERAL.—Subject to paragraph (2), at  
21 the request of the Secretary, the Secretary of the  
22 Treasury shall transfer from the Fund to the Sec-  
23 retary, without further appropriation, such amounts  
24 as the Secretary determines are necessary to carry  
25 out section 404.

1           (2) ADMINISTRATIVE EXPENSES.—Of the  
2 amounts in the Fund available for each fiscal year,  
3 the Secretary may expend the greater of 3 percent  
4 of such amounts or \$80,000 to pay the administra-  
5 tive expenses necessary to carry out this title.

6           (c) INVESTMENT OF AMOUNTS.—

7           (1) IN GENERAL.—The Secretary of the Treas-  
8 ury shall invest such portion of the Fund as is not,  
9 in the judgment of the Secretary of the Treasury,  
10 required to meet current withdrawals. Such invest-  
11 ments may be made only in interest-bearing obliga-  
12 tions of the United States.

13           (2) ACQUISITION OF OBLIGATIONS.—For the  
14 purpose of investments under paragraph (1), obliga-  
15 tions may be acquired—

16                   (A) on original issue at the issue price; or

17                   (B) by purchase of outstanding obligations  
18 at market price.

19           (3) SALE OF OBLIGATIONS.—Any obligation ac-  
20 quired by the Fund may be sold by the Secretary of  
21 the Treasury at market price.

22           (4) CREDITS TO FUND.—The interest on, and  
23 the proceeds from the sale or redemption of, any ob-  
24 ligations held in the Fund shall be credited to and  
25 form a part of the Fund.

1 (d) TRANSFERS OF AMOUNTS.—

2 (1) IN GENERAL.—The Secretary of the Treas-  
3 ury shall transfer at least monthly the amounts re-  
4 quired to be transferred to the Fund under this sec-  
5 tion from the general fund of the Treasury to the  
6 Fund on the basis of estimates made by the Sec-  
7 retary of the Treasury.

8 (2) ADJUSTMENTS.—The Secretary of the  
9 Treasury shall make proper adjustment in amounts  
10 subsequently transferred to the extent prior esti-  
11 mates were in excess of or less than the amounts re-  
12 quired to be transferred.

13 (e) ACCEPTANCE AND USE OF DONATIONS.—

14 (1) IN GENERAL.—The Secretary may accept  
15 for the Government a gift of any of the following to  
16 provide assistance under section 404:

17 (A) Money.

18 (B) An obligation of the Government in-  
19 cluded in the public debt made only on the con-  
20 dition that the obligation be canceled and re-  
21 tired and not reissued.

22 (C) Other intangible personal property  
23 made only on the condition that the property is  
24 sold on the best terms available and the pro-  
25 ceeds are deposited in the Fund.

1           (2) DISCRETION TO REJECT A GIFT.—The Sec-  
2           retary may reject a gift under this section when the  
3           rejection is in the interest of the Government.

4           (3) TAXES.—If a gift received under this sub-  
5           section is subject to a gift or inheritance tax, the  
6           Secretary may pay the tax out of the proceeds of the  
7           gift or the proceeds of the redemption or sale of the  
8           gift.

9   **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

10          There are authorized to be appropriated to the Sec-  
11         retary \$5,000,000 for each of fiscal years 2024 through  
12         2029 to carry out this title.

13   **SEC. 407. REPORT TO CONGRESS.**

14          (a) IN GENERAL.—Not later than January 31 of  
15         each calendar year after the date of the enactment of this  
16         title, the Secretary shall submit to Congress a report re-  
17         garding the Fund and the status of desert fish in the  
18         Southwest during the preceding calendar year.

19          (b) CONTENTS OF REPORTS.—Each such report shall  
20         include with respect to the calendar year for which the  
21         report is submitted—

22                 (1) the total amount deposited into and ex-  
23                 pended from the Fund;

24                 (2) the costs associated with carrying out this  
25                 title;



1           (3) a summary of the projects for which the  
2           Secretary has provided assistance under section 404  
3           and an evaluation of those projects; and

4           (4) an evaluation of the status of threatened  
5           and endangered populations of desert fish in the  
6           Southwest.

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