

118TH CONGRESS
1ST SESSION

S. _____

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.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on _____

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.

2

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”.

1 **SEC. 102. PURPOSES.**

2 The purposes of this title are—

3 (1) to perpetuate healthy populations of butter-
4 flies in North America;

5 (2) to assist in the conservation of threatened
6 and endangered butterflies by supporting conserva-
7 tion initiatives in North America; and

8 (3) to provide financial resources and to foster
9 international cooperation for those initiatives.

10 **SEC. 103. DEFINITIONS.**

11 In this title:

12 (1) **NORTH AMERICA BUTTERFLY CONSERVA-**
13 **TION.**—The term “North America butterfly con-
14 servation” means the use of all methods and proce-
15 dures necessary to protect habitats of butterflies in
16 North America and of butterflies in those habitats,
17 including—

18 (A) protection, restoration, and manage-
19 ment of habitats;

20 (B) onsite research and monitoring of pop-
21 ulations, habitats, annual reproduction, and
22 butterfly species population trends;

23 (C) assistance in the development, imple-
24 mentation, and improvement of national and re-
25 gional management plans;

1 (D) enforcement and implementation of
2 applicable conservation laws; and

3 (E) community outreach and education.

4 (2) FUND.—The term “Fund” means the
5 North America Butterfly Conservation Fund estab-
6 lished by section 105.

7 (3) BUTTERFLY; BUTTERFLIES.—The terms
8 “butterfly” and “butterflies” mean any member of
9 the order Lepidoptera.

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

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

20 **SEC. 104. NORTH AMERICA BUTTERFLY CONSERVATION AS-**
21 **SISTANCE.**

22 (a) ASSISTANCE.—

23 (1) IN GENERAL.—The Secretary shall, in con-
24 sultation with other Federal officials, use amounts in
25 the Fund to provide competitive financial assistance,

1 including multiyear grants, for North America but-
2 terfly conservation projects.

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

8 (b) PROJECT PROPOSALS.—

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

12 (A) a State or Tribal agency, research in-
13 stitution, nonprofit organization, or wildlife
14 management authority in North America that—

15 (i) exercises control or has jurisdiction
16 over butterfly habitat; and

17 (ii) directly or indirectly affects North
18 America butterfly conservation; or

19 (B) any other individual or entity, as the
20 Secretary determines appropriate, with the
21 demonstrated expertise required to carry out
22 North America butterfly conservation.

23 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

24 A Federal agency may not be a lead entity or receive
25 funding for a project under this section, but may be

1 included as a partner or collaborator on a project
2 that receives such funding.

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

5 (A) a statement of the purposes of the
6 project;

7 (B) the name of the individual or entity
8 with overall responsibility for the project;

9 (C) a description of—

10 (i) the qualifications of the individual
11 or entity that will conduct the project;

12 (ii) methods for project implementa-
13 tion and outcome assessment;

14 (iii) staffing and stakeholder engage-
15 ment for the project, including mechanisms
16 to encourage adequate local public partici-
17 pation in project development and imple-
18 mentation;

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

21 (v) anticipated outcomes of the
22 project;

23 (D) evidence of free, informed, and prior
24 consent by indigenous communities in the area
25 in which the project will be conducted, if the

1 Secretary determines that such consent is re-
2 quired for the success of the project;

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

7 (F) demonstrated sensitivity to local his-
8 toric and cultural resources and compliance
9 with applicable laws;

10 (G) information that demonstrates the po-
11 tential of the project to contribute to North
12 America butterfly conservation;

13 (H) evidence of support for the project
14 from each appropriate governmental entity of
15 each country, Tribe, and indigenous community
16 in which the project will be conducted, if the
17 Secretary determines that such support is re-
18 quired for the success of the project;

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

22 (J) 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) not later than 30 days after receiving
2 a project proposal, provide a copy of the pro-
3 posal to other Federal officials, as appropriate;
4 and

5 (B) review each project proposal to deter-
6 mine whether the proposal meets the criteria
7 specified in subsection (d).

8 (2) CONSULTATION; APPROVAL OR DIS-
9 APPROVAL.—Not later than 180 days after receiving
10 a project proposal, the Secretary shall, after con-
11 sulting with other Federal officials, as appropriate,
12 with respect to each project proposal submitted
13 under this section—

14 (A) consult on the project proposal with
15 the government of each country in which the
16 project is to be conducted;

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

20 (C) provide written notification of the ap-
21 proval or disapproval to the individual or entity
22 that submitted the project proposal, such other
23 Federal officials, and each country described in
24 subparagraph (A).

25 (d) CRITERIA FOR APPROVAL.—

1 (1) IN GENERAL.—The Secretary may approve
2 a project proposal under this section if the project
3 will help recover and sustain viable populations of
4 butterflies in the wild by assisting efforts to imple-
5 ment North America butterfly conservation pro-
6 grams.

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

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

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

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

1 (A) has identified the project as of high
2 priority; and

3 (B) finds that such waiver is necessary to
4 support the project.

5 (e) PROJECT REPORTING.—

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

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

21 **SEC. 105. NORTH AMERICA BUTTERFLY CONSERVATION**
22 **FUND.**

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

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

3 (2) amounts appropriated to the Fund under
4 section 106; and

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

7 (b) EXPENDITURES FROM FUND.—

8 (1) IN GENERAL.—Subject to paragraph (2), at
9 the request of the Secretary, the Secretary of the
10 Treasury shall transfer from the Fund to the Sec-
11 retary, without further appropriation, such amounts
12 as the Secretary determines are necessary to carry
13 out section 104.

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

19 (c) INVESTMENT OF AMOUNTS.—

20 (1) IN GENERAL.—The Secretary of the Treas-
21 ury shall invest such portion of the Fund as is not,
22 in the judgment of the Secretary of the Treasury,
23 required to meet current withdrawals. Such invest-
24 ments may be made only in interest-bearing obliga-
25 tions of the United States.

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

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

5 (B) by purchase of outstanding obligations
6 at market price.

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

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

14 (d) TRANSFERS OF AMOUNTS.—

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

21 (2) ADJUSTMENTS.—The Secretary of the
22 Treasury shall make proper adjustment in amounts
23 subsequently transferred to the extent prior esti-
24 mates were in excess of or less than the amounts re-
25 quired to be transferred.

1 (e) ACCEPTANCE AND USE OF DONATIONS.—

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

5 (A) Money.

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

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

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

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

22 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to the Sec-
24 retary \$5,000,000 for each of fiscal years 2024 through
25 2029 to carry out this title.

1 **SEC. 107. REPORT TO CONGRESS.**

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

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

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

12 (2) the costs associated with carrying out this
13 title;

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

17 (4) an evaluation of the status of threatened
18 and endangered populations of butterflies in North
19 America.

20 **TITLE II—PACIFIC ISLANDS**
21 **PLANT CONSERVATION FUND**
22 **ACT OF 2023**

23 **SEC. 201. SHORT TITLE.**

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

1 **SEC. 202. PURPOSES.**

2 The purposes of this title are—

3 (1) to assist in the conservation of threatened
4 and endangered species of plants in the Pacific Is-
5 lands; and

6 (2) to support and provide financial resources
7 for projects to conserve such species of plants and
8 the ecosystems of such species of plants and to ad-
9 dress other threats to the survival of such species of
10 plants.

11 **SEC. 203. DEFINITIONS.**

12 In this title:

13 (1) PACIFIC ISLANDS PLANT CONSERVATION.—

14 The term “Pacific Islands plant conservation”
15 means the use of all methods and procedures nec-
16 essary to protect species of plants in the Pacific Is-
17 lands including—

18 (A) protection, restoration, and manage-
19 ment of ecosystems;

20 (B) onsite research and monitoring of pop-
21 ulations, ecosystems, annual reproduction, and
22 plant population trends;

23 (C) assistance in the development, imple-
24 mentation, and improvement of management
25 plans;

1 (D) enforcement and implementation of
2 applicable conservation laws; and

3 (E) community outreach and education.

4 (2) FUND.—The term “Fund” means the Pa-
5 cific Islands Plant Conservation Fund established by
6 section 205.

7 (3) PACIFIC ISLANDS.—The term “Pacific Is-
8 lands” means the Hawaiian Islands and the United
9 States territories of Guam, American Samoa, and
10 the Northern Mariana Islands.

11 (4) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 **SEC. 204. PACIFIC ISLANDS PLANT CONSERVATION ASSIST-**
14 **ANCE.**

15 (a) ASSISTANCE.—

16 (1) IN GENERAL.—The Secretary shall, in con-
17 sultation with other Federal officials, use amounts in
18 the Fund to provide competitive financial assistance,
19 including multiyear grants, for Pacific Islands plant
20 conservation projects.

21 (2) USE OF EXISTING AUTHORITIES.—Assist-
22 ance provided under this section shall be carried out
23 in a manner consistent with authorities available to
24 the Secretary under the Endangered Species Act of
25 1973 (16 U.S.C. 1531 et seq.).

1 (b) PROJECT PROPOSALS.—

2 (1) ELIGIBLE APPLICANTS.—A project proposal
3 for Pacific Islands plant conservation may be sub-
4 mitted to the Secretary under this section by a
5 State, territory, or Tribal agency or any other indi-
6 vidual or entity, as determined appropriate by the
7 Secretary, with the expertise required to carry out
8 Pacific Islands plant conservation.

9 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—
10 A Federal agency may not be a lead entity or receive
11 funding for a project under this section, but may be
12 included as a partner or collaborator on a project
13 that receives such funding.

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

16 (A) a statement of the purposes of the
17 project;

18 (B) the name of the individual or entity
19 with overall responsibility for the project;

20 (C) a description of—

21 (i) the qualifications of the individual
22 or entity that will conduct the project;

23 (ii) methods for project implementa-
24 tion and outcome assessment;

1 (iii) staffing and stakeholder engage-
2 ment for the project, including mechanisms
3 to ensure adequate local public participa-
4 tion in project development and implemen-
5 tation;

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

8 (v) anticipated outcomes of the
9 project; and

10 (vi) how the project will promote sus-
11 tainable, effective, long-term programs to
12 conserve plant populations on the Pacific
13 Islands;

14 (D) assurances that the project will be im-
15 plemented in consultation with relevant wildlife
16 management authorities, Tribes, and other ap-
17 propriate government officials;

18 (E) demonstrated sensitivity to local his-
19 toric and cultural resources and compliance
20 with applicable laws;

21 (F) information that demonstrates the po-
22 tential of the project to contribute to Pacific Is-
23 lands plant conservation;

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

4 (H) 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.—The Secretary shall, after consulting
17 with other Federal officials, as appropriate, with re-
18 spect to each project proposal submitted under this
19 section—

20 (A) consult on the project proposal with
21 the government of each State or territory in
22 which such project is to be conducted;

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

1 (C) provide written notification of the ap-
2 proval or disapproval to the individual or entity
3 that submitted the project proposal, such other
4 Federal officials, and each State or territory de-
5 scribed in subparagraph (A).

6 (d) CRITERIA FOR APPROVAL.—

7 (1) IN GENERAL.—The Secretary may approve
8 a project proposal under this section if the project
9 will help recover and sustain viable populations of
10 threatened and endangered plants by assisting ef-
11 forts to implement Pacific Islands plant conservation
12 programs.

13 (2) PRIORITY.—In selecting projects for ap-
14 proval, the Secretary shall give priority to projects
15 that conserve species of plants that are listed as a
16 threatened or endangered species under the Endan-
17 gered Species Act of 1973 (16 U.S.C. 1531 et. seq.).

18 (3) PROJECT SUSTAINABILITY.—To the max-
19 imum extent practicable, in determining whether to
20 approve a project proposal under this section, the
21 Secretary shall give preference to projects that are
22 designed to ensure effective and long-term Pacific
23 Islands plant conservation.

24 (4) MATCHING FUNDS.—In determining wheth-
25 er to approve a project proposal under this section,

1 the Secretary shall give preference to projects for
2 which matching funds are available.

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

6 (A) has identified the project as of high
7 priority; and

8 (B) finds that such waiver is necessary to
9 support the project.

10 (e) PROJECT REPORTING.—

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

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

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

2 (a) ESTABLISHMENT.—There is established in the
3 Treasury a separate account, to be known as the “Pacific
4 Islands Plant 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 206; 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 204.

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 204:

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. 206. 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. 207. 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 species of plants in
10 the Pacific Islands during the preceding calendar year.

11 (b) CONTENTS OF REPORTS.—Each report submitted
12 under subsection (a) shall include with respect to the cal-
13 endar year for which the 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 provided assistance under section 204 and
20 an evaluation of such projects; and

21 (4) an evaluation of the status of threatened
22 and endangered populations of plants in the Pacific
23 Islands.

1 **TITLE III—FRESHWATER MUSSEL**
2 **CONSERVATION FUND**
3 **ACT OF 2023**

4 **SEC. 301. SHORT TITLE.**

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

7 **SEC. 302. PURPOSES.**

8 The purposes of this title are—

9 (1) to assist in the conservation of threatened
10 and endangered freshwater mussels and the habitats
11 of such freshwater mussels in the United States; and

12 (2) to support and provide financial resources
13 for projects to conserve such freshwater mussels and
14 the habitats of such freshwater mussels and to ad-
15 dress other threats to the survival of such freshwater
16 mussels.

17 **SEC. 303. DEFINITIONS.**

18 In this title:

19 (1) **UNITED STATES FRESHWATER MUSSEL**
20 **CONSERVATION.**—The term “United States fresh-
21 water mussel conservation” means the use of all
22 methods and procedures necessary to protect habi-
23 tats of freshwater mussel species in the United
24 States and of the freshwater mussel species in those
25 habitats, including—

1 (A) protection, restoration, and manage-
2 ment of habitats;

3 (B) onsite research and monitoring of pop-
4 ulations, habitats, annual reproduction, and
5 freshwater mussel species population trends;

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

9 (D) enforcement and implementation of
10 applicable conservation laws; and

11 (E) community outreach and education.

12 (2) FUND.—The term “Fund” means the
13 Freshwater Mussel Conservation Fund established
14 by section 305.

15 (3) FRESHWATER MUSSEL; FRESHWATER MUS-
16 SELS.—The terms “freshwater mussel” and “fresh-
17 water mussels” mean any member of the order
18 Unioinida.

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

21 **SEC. 304. UNITED STATES FRESHWATER MUSSEL CON-**
22 **SERVATION ASSISTANCE.**

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 United States fresh-
3 water mussel 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 United States freshwater mussel conservation
12 may be submitted to the Secretary under this section
13 by a State or Tribal agency, research institution,
14 nonprofit organization, or any other individual or en-
15 tity, as determined appropriate by the Secretary,
16 with the expertise required to carry out United
17 States freshwater mussel 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 freshwater mussels in the United
22 States;

23 (D) assurances that the project will be im-
24 plemented in consultation with relevant wildlife

1 management authorities, Tribes, and other ap-
2 propriate government officials;

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

6 (F) information that demonstrates the po-
7 tential of the project to contribute to United
8 States freshwater mussel conservation;

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

12 (H) such other information as the Sec-
13 retary determines appropriate.

14 (c) PROJECT REVIEW AND APPROVAL.—

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

16 (A) solicit project proposals for assistance
17 under this section;

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

21 (C) review each such proposal on a
22 timeline that recognizes the urgency of the de-
23 clining number of freshwater mussels in the
24 United States to determine whether the pro-

1 posal meets the criteria specified in subsection
2 (d).

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

8 (A) consult on the project proposal with
9 the government of each State in which the
10 project is to be conducted;

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

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

19 (d) CRITERIA FOR APPROVAL.—

20 (1) IN GENERAL.—The Secretary may approve
21 a project proposal under this section if the project
22 shows promise for contributing to recovering and
23 sustaining freshwater mussel populations in the wild
24 in the United States.

1 (2) PRIORITY.—In selecting projects for ap-
2 approval, the Secretary shall give priority to projects
3 that conserve species of freshwater mussels that are
4 listed as a threatened or endangered species under
5 the Endangered Species Act of 1973 (16 U.S.C.
6 1531 et seq.).

7 (3) PROJECT SUSTAINABILITY.—To the max-
8 imum extent practicable, in determining whether to
9 approve a project proposal under this section, the
10 Secretary shall give preference to projects that are
11 designed to ensure effective and long-term United
12 States freshwater mussel conservation.

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

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

20 (A) has identified the project as of high
21 priority; and

22 (B) finds that such waiver is necessary to
23 support the project.

24 (e) PROJECT REPORTING.—

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

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

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

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

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

22 (2) amounts appropriated to the Fund under
23 section 306; and

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

1 (b) EXPENDITURES FROM FUND.—

2 (1) IN GENERAL.—Subject to paragraph (2), at
3 the request of the Secretary, the Secretary of the
4 Treasury shall transfer from the Fund to the Sec-
5 retary, without further appropriation, such amounts
6 as the Secretary determines are necessary to carry
7 out section 304.

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

13 (c) INVESTMENT OF AMOUNTS.—

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

20 (2) ACQUISITION OF OBLIGATIONS.—For the
21 purpose of investments under paragraph (1), obliga-
22 tions may be acquired—

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

24 (B) by purchase of outstanding obligations
25 at market price.

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

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

8 (d) TRANSFERS OF AMOUNTS.—

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

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

20 (e) ACCEPTANCE AND USE OF DONATIONS.—

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

24 (A) Money.

1 (B) An obligation of the Government in-
2 cluded in the public debt made only on the con-
3 dition that the obligation be canceled and re-
4 tired and not reissued.

5 (C) Other intangible personal property
6 made only on the condition that the property is
7 sold on the best terms available and the pro-
8 ceeds are deposited in the Fund.

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

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

17 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated to the Sec-
19 retary \$5,000,000 for each of fiscal years 2024 through
20 2029 to carry out this title.

21 **SEC. 307. REPORT TO CONGRESS.**

22 (a) IN GENERAL.—Not later than January 31 of
23 each calendar year after the date of the enactment of this
24 title, the Secretary shall submit to Congress a report re-

1 garding the Fund and the status of freshwater mussels
2 in the United States during the preceding calendar year.

3 (b) CONTENTS OF REPORTS.—Each such report shall
4 include with respect to the calendar year for which the
5 report is submitted—

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

8 (2) the costs associated with carrying out this
9 title;

10 (3) a summary of the projects for which the
11 Secretary has provided assistance under section 304
12 and an evaluation of those projects; and

13 (4) an evaluation of the status of threatened
14 and endangered populations of freshwater mussel in
15 the United States.

16 **TITLE IV—SOUTHWEST DESERT**
17 **FISH CONSERVATION FUND**
18 **ACT OF 2023**

19 **SEC. 401. SHORT TITLE.**

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

22 **SEC. 402. PURPOSES.**

23 The purposes of this title are—

1 (1) to assist in the conservation of threatened
2 and endangered desert fish and the habitats of such
3 desert fish in the Southwest; and

4 (2) to support and provide financial resources
5 for projects to conserve such desert fish and the
6 habitats of such desert fish and to address other
7 threats to the survival of such desert fish species.

8 **SEC. 403. DEFINITIONS.**

9 In this title:

10 (1) **SOUTHWEST DESERT FISH CONSERVA-**
11 **TION.**—The term “Southwest desert fish conserva-
12 tion” means the use of all methods and procedures
13 necessary to protect habitats of desert fish species in
14 the Southwest and of the desert fish species in those
15 habitats, including—

16 (A) protection, restoration, and manage-
17 ment of habitats;

18 (B) onsite research and monitoring of pop-
19 ulations, habitats, annual reproduction, and
20 desert fish species population trends;

21 (C) assistance in the development, imple-
22 mentation, and improvement of national and re-
23 gional management plans;

24 (D) enforcement and implementation of
25 applicable conservation laws; and

1 (E) community outreach and education.

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

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

8 (4) SOUTHWEST.—The term “Southwest”
9 means the States of Arizona, California, Colorado,
10 Nevada, New Mexico, Oregon, and Utah.

11 (5) SECRETARY.—The term “Secretary” means
12 the Secretary of the Interior.

13 **SEC. 404. SOUTHWEST DESERT FISH CONSERVATION AS-**
14 **SISTANCE.**

15 (a) ASSISTANCE.—

16 (1) IN GENERAL.—The Secretary shall, in con-
17 sultation with other Federal officials, use amounts in
18 the Fund to provide competitive financial assistance,
19 including multiyear grants, for Southwest desert fish
20 conservation projects.

21 (2) USE OF EXISTING AUTHORITIES.—Assist-
22 ance provided under this section shall be carried out
23 in a manner consistent with authorities available to
24 the Secretary under the Endangered Species Act of
25 1973 (16 U.S.C. 1531 et seq.).

1 (b) PROJECT PROPOSALS.—

2 (1) ELIGIBLE APPLICANTS.—A project proposal
3 for Southwest desert fish conservation may be sub-
4 mitted to the Secretary under this section by a State
5 or Tribal agency, research institution, nonprofit or-
6 ganization, or any other individual or entity, as de-
7 termined appropriate by the Secretary, with the ex-
8 pertise required to carry out Southwest desert fish
9 conservation.

10 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—
11 A Federal agency may not be a lead entity or receive
12 funding for a project under this section, but may be
13 included as a partner or collaborator on a project
14 that receives such funding.

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

17 (A) a statement of the purposes of the
18 project;

19 (B) the name of the individual or entity
20 with overall responsibility for the project;

21 (C) a description of—

22 (i) the qualifications of the individual
23 or entity that will conduct the project;

24 (ii) methods for project implementa-
25 tion and outcome assessment;

1 (iii) staffing and stakeholder engage-
2 ment for the project, including mechanisms
3 to ensure adequate local public participa-
4 tion in project development and implemen-
5 tation;

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

8 (v) anticipated outcomes of the
9 project; and

10 (vi) how the project will promote sus-
11 tainable, effective, long-term programs to
12 conserve desert fish in the Southwest;

13 (D) assurances that the project will be im-
14 plemented in consultation with relevant wildlife
15 management authorities, Tribes, and other ap-
16 propriate government officials;

17 (E) demonstrated sensitivity to local his-
18 toric and cultural resources and compliance
19 with applicable laws;

20 (F) information that demonstrates the po-
21 tential of the project to contribute to Southwest
22 desert fish conservation;

23 (G) information regarding the source and
24 amount of any matching funding available for
25 the project; and

1 (H) such other information as the Sec-
2 retary determines appropriate.

3 (c) PROJECT REVIEW AND APPROVAL.—

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

5 (A) solicit project proposals for assistance
6 under this section;

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

10 (C) review each such proposal on a
11 timeline that recognizes the urgency of the de-
12 clining number of desert fish in the Southwest
13 to determine whether the proposal meets the
14 criteria specified in subsection (d).

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

20 (A) consult with respect to the proposal
21 with the government of each State in which the
22 project is to be conducted;

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

1 (C) provide written notification of the ap-
2 proval or disapproval to the individual or entity
3 that submitted the proposal, such other Federal
4 officials, and each State described in subpara-
5 graph (A).

6 (d) CRITERIA FOR APPROVAL.—

7 (1) IN GENERAL.—The Secretary may approve
8 a project proposal under this section if the project
9 shows promise for contributing to recovering and
10 sustaining desert fish populations in the wild in the
11 Southwest.

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

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

23 (4) MATCHING FUNDS.—In determining wheth-
24 er to approve a project proposal under this section,

1 the Secretary shall give preference to projects for
2 which matching funds are available.

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

6 (A) has identified the project as of high
7 priority; and

8 (B) finds that such waiver is necessary to
9 support the project.

10 (e) PROJECT REPORTING.—

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

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

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

2 (a) ESTABLISHMENT.—There is established in the
3 Treasury a separate account, to be known as the “South-
4 west Desert Fish 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 406; 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 404.

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 404:

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. 406. 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. 407. 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 desert fish in the
10 Southwest 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 404
20 and an evaluation of those projects; and

21 (4) an evaluation of the status of threatened
22 and endangered populations of desert fish in the
23 Southwest.