

118TH CONGRESS
2D SESSION

S. 5012

To establish an interest-bearing account for the non-Federal contributions to the Lower Colorado River Multi-Species Conservation Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2024

Mr. PADILLA (for himself, Ms. BUTLER, Ms. SINEMA, and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish an interest-bearing account for the non-Federal contributions to the Lower Colorado River Multi-Species Conservation Program, 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 This Act may be cited as the “Lower Colorado River
5 Multi-Species Conservation Program Amendment Act of
6 2024”.

1 **SEC. 2. INTEREST-BEARING FUND.**

2 Section 9402 of the Omnibus Public Land Manage-
 3 ment Act of 2009 (Public Law 111–11; 123 Stat. 1328)
 4 is amended by adding at the end the following:

5 “(c) **INTEREST-BEARING ACCOUNT FOR NON-FED-**
 6 **ERAL CONTRIBUTIONS.**—

7 “(1) **DEFINITIONS.**—In this subsection:

8 “(A) **AGREEMENT.**—The term ‘Agreement’
 9 means the agreement entitled the ‘Lower Colo-
 10 rado River Multi-Species Conservation Program
 11 Funding and Management Agreement’ and
 12 dated April 4, 2005.

13 “(B) **FUND.**—The term ‘Fund’ means the
 14 Non-Federal Funding Account for the Lower
 15 Colorado River Multi-Species Conservation Pro-
 16 gram established by paragraph (2).

17 “(C) **NON-FEDERAL CONTRIBUTION.**—The
 18 term ‘non-Federal contribution’ means an
 19 amount contributed by a State Party for the
 20 non-Federal cost share described in section 8 of
 21 the Agreement.

22 “(D) **STATE PARTY.**—The term ‘State
 23 Party’ has the meaning given the term in sec-
 24 tion 3 of the Agreement.

25 “(2) **ESTABLISHMENT.**—There is established in
 26 the Treasury of the United States a fund, to be

1 known as the ‘Non-Federal Funding Account for the
 2 Lower Colorado River Multi-Species Conservation
 3 Program’, consisting of—

4 “(A) any amounts deposited in the Fund
 5 under paragraph (3); and

6 “(B) any interest earned on investment of
 7 amounts in the Fund under paragraph (4).

8 “(3) DEPOSITS TO FUND.—

9 “(A) IN GENERAL.—Pursuant to section
 10 8.4 of the Agreement, the Secretary of the
 11 Treasury shall deposit in the Fund—

12 “(i) any unexpended non-Federal con-
 13 tributions provided before the date of en-
 14 actment of this subsection; and

15 “(ii) any non-Federal contributions
 16 provided on or after the date of enactment
 17 of this subsection.

18 “(B) AVAILABILITY OF AMOUNTS; EX-
 19 PENDITURE.—Amounts deposited in the Fund
 20 under subparagraph (A) and any interest on
 21 those amounts in the Fund shall be made avail-
 22 able to the Secretary, without further appro-
 23 priation, for expenditure—

24 “(i) as provided in the Program Docu-
 25 ments; and

1 “(ii) in accordance with this section.

2 “(4) INVESTMENT OF AMOUNTS.—

3 “(A) IN GENERAL.—The Secretary may re-
4 quest the Secretary of the Treasury to invest
5 any portion of the Fund that is not, as deter-
6 mined by the Secretary, required to meet the
7 current needs of the Fund.

8 “(B) REQUIREMENT.—An investment re-
9 quested under subparagraph (A) shall be made
10 by the Secretary of the Treasury in a public
11 debt security—

12 “(i) with a maturity suitable to the
13 needs of the Fund, as determined by the
14 Secretary; and

15 “(ii) bearing interest at a rate deter-
16 mined by the Secretary of the Treasury,
17 taking into consideration current market
18 yields on outstanding marketable obliga-
19 tions of the United States of comparable
20 maturity.

21 “(C) CREDITS TO FUND.—The income on
22 investments of the Fund under this paragraph
23 shall be credited to, and form a part of, the
24 Fund.

25 “(5) TRANSFERS OF AMOUNTS.—

1 “(A) TRANSFER OF PREVIOUSLY CONTRIB-
2 UTED FUNDS.—The amounts required to be de-
3 posited in the Fund under paragraph (3)(A)(i)
4 shall be transferred from the general fund of
5 the Treasury to the Fund not later than 90
6 days after the date of enactment of this sub-
7 section.

8 “(B) TRANSFER OF FUTURE CONTRIB-
9 UTED FUNDS.—As soon as practicable after the
10 date on which amounts described in paragraph
11 (3)(A)(ii) are contributed, those amounts shall
12 be transferred to the Fund.

13 “(C) RESPONSIBILITY OF STATE PAR-
14 TIES.—In accordance with the Agreement, on
15 deposit of amounts in the Fund under para-
16 graph (3), the State Parties shall not be re-
17 sponsible for any losses due to investment of
18 those amounts the Fund.”.

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