

117TH CONGRESS
1ST SESSION

H. R. 3396

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 HOUSE OF REPRESENTATIVES

MAY 20, 2021

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

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 2021”.

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
2021

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 2021

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
2021

Sec. 301. Short title.

Sec. 302. Purposes.

Sec. 303. Definitions.

Sec. 304. Freshwater mussel conservation assistance.

Sec. 305. Freshwater Mussels Conservation Fund.

Sec. 306. Authorization of appropriations.

Sec. 307. Report to Congress.

TITLE IV—SOUTHWEST DESERT FISH CONSERVATION FUND ACT
OF 2021

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 2021**

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

5 This title may be cited as the “North America But-
6 terfly Conservation Fund Act of 2021”.

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) CONSERVATION.—The term “conservation”
19 means the use of all methods and procedures nec-
20 essary to protect habitats of butterflies in North
21 America and of butterflies in those habitats, includ-
22 ing—

23 (A) protection, restoration, and manage-
24 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.—The terms “butterfly” and
14 “butterflies” mean any member of the order Lepi-
15 doptera.

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.—Subject to the availability of
5 funds and in consultation with other Federal offi-
6 cials, the Secretary shall use amounts in the Fund
7 to provide financial assistance for projects for the
8 conservation of butterflies for which project pro-
9 posals are approved by the Secretary in accordance
10 with this section.

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

16 (b) PROJECT PROPOSALS.—

17 (1) ELIGIBLE APPLICANTS.—A proposal for a
18 project for the conservation of butterflies may be
19 submitted to the Secretary by—

20 (A) a relevant State or Tribal agency, re-
21 search institution, nonprofit organization, or
22 wildlife management authority in North Amer-
23 ica that—

24 (i) has within its boundaries butterfly
25 habitat; and

1 (ii) directly or indirectly affects but-
2 terfly conservation; or

3 (B) any other individual or entity, as de-
4 termined appropriate by the Secretary, with the
5 demonstrated expertise required for the con-
6 servation of butterflies in North America.

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

12 (3) REQUIRED ELEMENTS.—A project proposal
13 shall include—

14 (A) a statement of the purposes of the
15 project;

16 (B) the name of the entity or individual
17 with overall responsibility for the project;

18 (C) a description of—

19 (i) the qualifications of the entity or
20 individuals that will conduct the project;

21 (ii) methods for project implementa-
22 tion and outcome assessment;

23 (iii) staffing and stakeholder engage-
24 ment for the project;

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

3 (v) anticipated outcomes; and

4 (vi) mechanisms to encourage ade-
5 quate local public participation in project
6 development and implementation;

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

11 (E) evidence of free, informed, and prior
12 consent by indigenous communities in the areas
13 the project will be conducted, if the Secretary
14 determines that such consent is required for the
15 success of the project;

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

19 (G) information that demonstrates the po-
20 tential of the project to contribute to the con-
21 servation of butterfly populations in North
22 America;

23 (H) evidence of support for the project by
24 appropriate governmental entities of the coun-
25 tries, Tribes, and indigenous communities in

1 which the project will be conducted, if the Sec-
2 retary determines that such support is required
3 for the success of the project;

4 (I) information regarding the source and
5 amount of matching funding available for the
6 project; and

7 (J) such other information as the Sec-
8 retary may require.

9 (c) PROJECT REVIEW AND APPROVAL.—

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

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

15 (B) review each project proposal in a time-
16 ly manner to determine whether the proposal
17 meets the criteria specified in subsection (d).

18 (2) CONSULTATION; APPROVAL OR DIS-
19 APPROVAL.—Not later than 180 days after receiving
20 a project proposal, and subject to the availability of
21 funds, the Secretary, after consulting with other
22 Federal officials, as appropriate, shall—

23 (A) consult on the proposal with the gov-
24 ernment of each country in which the project is
25 to be conducted;

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

4 (C) provide written notification of the ap-
5 proval or disapproval to the person that sub-
6 mitted the project proposal, such other Federal
7 officials, and each country described in sub-
8 paragraph (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 in North
14 America to implement butterfly conservation pro-
15 grams.

16 (2) PRIORITY.—In selecting projects for assist-
17 ance, the Secretary shall give preference to projects
18 that conserve threatened and endangered species
19 protected by the Endangered Species Act (16 U.S.C.
20 1531 et seq.).

21 (3) PROJECT SUSTAINABILITY.—To the max-
22 imum extent practicable, in determining whether to
23 approve project proposals under this section, the
24 Secretary shall give preference to conservation

1 projects that are designed to ensure effective, long-
2 term conservation of butterflies and their habitats.

3 (4) MATCHING FUNDS.—In determining wheth-
4 er to approve project proposals 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), and (4) if the Sec-
9 retary finds that such waiver is necessary to support
10 a conservation project that the Secretary has identi-
11 fied as of high priority.

12 (e) PROJECT REPORTING.—

13 (1) IN GENERAL.—Each person that receives
14 assistance under this section for a project shall sub-
15 mit to the Secretary periodic reports (at such inter-
16 vals as the Secretary may require) that include all
17 information that the Secretary, after consultation
18 with other government officials, determines is nec-
19 essary to evaluate the progress and success of such
20 project for the purposes of ensuring positive results,
21 assessing problems, and fostering improvements.

22 (2) AVAILABILITY TO THE PUBLIC.—Reports
23 under paragraph (1), and any other documents re-
24 lating to projects for which financial assistance is

1 provided under this title, shall be made available to
2 the public.

3 **SEC. 105. NORTH AMERICA BUTTERFLY CONSERVATION**
4 **FUND.**

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

8 (1) amounts transferred to the Secretary of the
9 Treasury for deposit into the Fund under subsection
10 (e);

11 (2) amounts appropriated to the Fund under
12 section 106; and

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

15 (b) EXPENDITURES FROM FUND.—

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

22 (2) ADMINISTRATIVE EXPENSES.—Of the
23 amounts in the account available for each fiscal
24 year, the Secretary may expend not more than 3
25 percent, or up to \$80,000, whichever is greater, to

1 pay the administrative expenses necessary to carry
2 out this title.

3 (c) INVESTMENT OF AMOUNTS.—

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

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

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

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

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

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

23 (d) TRANSFERS OF AMOUNTS.—

24 (1) IN GENERAL.—The amounts required to be
25 transferred to the Fund under this section shall be

1 transferred at least monthly from the general fund
2 of the Treasury to the Fund on the basis of esti-
3 mates made by the Secretary of the Treasury.

4 (2) ADJUSTMENTS.—Proper adjustment shall
5 be made in amounts subsequently transferred to the
6 extent prior estimates were in excess of or less than
7 the amounts required to be transferred.

8 (e) ACCEPTANCE AND USE OF DONATIONS.—

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

12 (A) money;

13 (B) an obligation of the Government in-
14 cluded in the public debt made only on the con-
15 dition that the obligation be canceled and re-
16 tired and not reissued; and

17 (C) other intangible personal property
18 made only on the condition that the property is
19 sold on the best terms available and the pro-
20 ceeds are deposited in the Fund.

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

24 (3) TAXES.—If a gift received under this sub-
25 section is subject to a gift or inheritance tax, the

1 Secretary may pay the tax out of the proceeds of the
2 gift or the proceeds of the redemption or sale of the
3 gift.

4 **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

5 There are authorized to be appropriated to the Sec-
6 retary \$5,000,000 for each of fiscal years 2022 through
7 2027 to carry out this title.

8 **SEC. 107. REPORT TO CONGRESS.**

9 The Secretary shall submit an annual report to Con-
10 gress not later than January 31 of each year regarding
11 the Fund and the status of butterflies in North America.
12 Each such report shall include with respect to the year
13 for which such report is submitted a description of—

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

16 (2) the costs associated with the administration
17 of the Fund;

18 (3) a summary of the projects for which the
19 Secretary has provided assistance under section 104
20 and an evaluation of those projects; and

21 (4) an evaluation of the status of threatened
22 and endangered butterfly populations in North
23 America.

1 **TITLE II—PACIFIC ISLANDS**
2 **PLANT CONSERVATION FUND**
3 **ACT OF 2021**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Pacific Islands Plant
6 Conservation Fund Act of 2021”.

7 **SEC. 202. PURPOSES.**

8 The purpose of this title is to assist in the conserva-
9 tion of threatened and endangered plant species in the Ha-
10 waiian Islands and the Pacific Island Territories of the
11 United States by supporting and providing financial re-
12 sources for projects to conserve plant species, their eco-
13 systems, and address other threats to the survival of those
14 plant species.

15 **SEC. 203. DEFINITIONS.**

16 In this title:

17 (1) CONSERVATION.—The term “conservation”
18 means the use of all methods and procedures nec-
19 essary to protect plants in the Pacific Islands includ-
20 ing—

21 (A) protection, restoration, and manage-
22 ment of ecosystems;

23 (B) onsite research and monitoring of pop-
24 ulations, ecosystems, annual reproduction, and
25 plant population trends;

1 (C) assistance in the development, imple-
2 mentation, and improvement of management
3 plans;

4 (D) enforcement and implementation of
5 applicable conservation laws; and

6 (E) community outreach and education.

7 (2) FUND.—The term “Fund” means the Pa-
8 cific Islands Plant Conservation Fund established by
9 section 205.

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

14 (4) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 **SEC. 204. PACIFIC ISLANDS PLANT CONSERVATION ASSIST-**
17 **ANCE.**

18 (a) ASSISTANCE.—

19 (1) IN GENERAL.—Subject to the availability of
20 funds and in consultation with other Federal offi-
21 cials, the Secretary of Interior shall provide competi-
22 tive financial assistance, including multiyear grants,
23 for projects for the conservation of plant species on
24 the Pacific Islands for which project proposals are

1 approved by the Secretary in accordance with this
2 section.

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 project proposal
10 may be submitted to the Secretary under this section
11 by—

12 (A) a relevant State, territory, or Tribal
13 agency with the research expertise required for
14 the conservation of plant species on the Pacific
15 Islands; and

16 (B) any other individual or entity, as de-
17 termined appropriate by the Secretary, with the
18 expertise required for the conservation of plant
19 species on the Pacific Islands.

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

1 (3) REQUIRED ELEMENTS.—A project proposal
2 shall include—

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

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

7 (C) a description of—

8 (i) the qualifications of the entity or
9 individuals 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;

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

16 (v) anticipated outcomes;

17 (vi) mechanisms to ensure adequate
18 local public participation in project devel-
19 opment and implementation; and

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

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

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

8 (F) information that demonstrates the
9 clear potential of the project to contribute to
10 the conservation of threatened and endangered
11 plant species on the Pacific Islands;

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

15 (H) such other information as the Sec-
16 retary may require.

17 (c) PROJECT REVIEW AND APPROVAL.—

18 (1) IN GENERAL.—The Secretary shall annu-
19 ally—

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

1 (B) review each project proposal in a time-
2 ly manner to determine whether the proposal
3 meets the criteria specified in subsection (d).

4 (2) CONSULTATION; APPROVAL OR DIS-
5 APPROVAL.—Subject to the availability of funds, the
6 Secretary shall, with respect to each project proposal
7 submitted under this section, and after consulting
8 with other Federal officials, as appropriate—

9 (A) consult with respect to the proposal
10 with the government of the State or territory in
11 which such project is to be conducted; and

12 (B) provide written notification of the ap-
13 proval or disapproval to the individual or entity
14 that submitted the proposal, such other Federal
15 officials, and each State described in subpara-
16 graph (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 on the Pacific Islands to implement plant con-
23 servation programs.

24 (2) PRIORITY.—In selecting projects for assist-
25 ance, the Secretary shall give preference to projects

1 that conserve threatened and endangered species
2 protected by the Endangered Species Act (16 U.S.C.
3 1531 et seq.).

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

10 (4) MATCHING FUNDS.—In determining wheth-
11 er to approve project proposals 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), and (4) if the Sec-
16 retary finds that such waiver is necessary to support
17 a conservation project that the Secretary has identi-
18 fied as of high priority.

19 (e) PROJECT REPORTING.—

20 (1) IN GENERAL.—Each individual or entity
21 that receives assistance under this section for a
22 project shall submit to the Secretary periodic reports
23 (at such intervals as the Secretary may require) that
24 include all information that the Secretary, after con-
25 sultation with other government officials, determines

1 is necessary to evaluate the progress and success of
2 such project for the purposes of ensuring positive re-
3 sults, assessing problems, and fostering improve-
4 ments.

5 (2) AVAILABILITY TO THE PUBLIC.—Reports
6 under paragraph (1), and any other documents re-
7 lating to projects for which financial assistance is
8 provided under this title, shall be made available to
9 the public in a timely manner.

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

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

14 (1) amounts transferred to the Secretary of the
15 Treasury for deposit into the Fund under subsection
16 (e);

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

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

21 (b) EXPENDITURES FROM FUND.—

22 (1) IN GENERAL.—Subject to paragraph (2), at
23 the request of the Secretary, the Secretary of the
24 Treasury shall transfer from the Fund to the Sec-
25 retary, without further appropriation, such amounts

1 as the Secretary determines are necessary to carry
2 out section 204.

3 (2) ADMINISTRATIVE EXPENSES.—Of the
4 amounts in the account available for each fiscal
5 year, the Secretary may expend not more than 3
6 percent, or up to \$80,000, whichever is greater, to
7 pay the administrative expenses necessary to carry
8 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. Investments
14 may be made only in interest-bearing obligations of
15 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 amounts required to be
7 transferred to the Fund under this section shall be
8 transferred at least monthly from the general fund
9 of the Treasury to the Fund on the basis of esti-
10 mates made by the Secretary of the Treasury.

11 (2) ADJUSTMENTS.—Proper adjustment shall
12 be made in amounts subsequently transferred to the
13 extent prior estimates were in excess of or less than
14 the amounts required to be transferred.

15 (e) ACCEPTANCE AND USE OF DONATIONS.—

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

19 (A) Money.

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

24 (C) Other intangible personal property
25 made only on the condition that the property is

1 sold on the best terms available and the pro-
2 ceeds are deposited in the Fund.

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

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

11 **SEC. 206. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated to the Sec-
13 retary \$5,000,000 for each of fiscal years 2022 through
14 2027 to carry out this title.

15 **SEC. 207. REPORT TO CONGRESS.**

16 The Secretary shall submit an annual report to Con-
17 gress not later than January 31 of each year regarding
18 the Fund and the status of threatened and endangered
19 plant species on the Hawaiian Islands. Each such report
20 shall include with respect to the year for which the report
21 is submitted a description of—

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

24 (2) the costs associated with the administration
25 of the Fund;

1 (3) a summary of the projects for which the
2 Secretary has provided assistance under section 204
3 and an evaluation of those projects; and

4 (4) an evaluation of the status of threatened
5 and endangered plant populations on the Pacific Is-
6 lands.

7 **TITLE III—FRESHWATER MUS-**
8 **SEL CONSERVATION FUND**
9 **ACT OF 2021**

10 **SEC. 301. SHORT TITLE.**

11 This title may be cited as the “Freshwater Mussel
12 Conservation Fund Act of 2021”.

13 **SEC. 302. PURPOSES.**

14 The purpose of this title is to assist in the conserva-
15 tion of threatened and endangered freshwater mussels spe-
16 cies and their habitats in the United States by supporting
17 and providing financial resources for projects to conserve
18 freshwater mussel species, their habitats, and address
19 other threats to the survival of those species.

20 **SEC. 303. DEFINITIONS.**

21 In this title:

22 (1) CONSERVATION.—The term “conservation”
23 means the use of all methods and procedures nec-
24 essary to protect habitats of freshwater mussel spe-

1 cies in the United States and of the freshwater mus-
2 sel species in those habitats including—

3 (A) protection, restoration, and manage-
4 ment of habitats;

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

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

11 (D) enforcement and implementation of
12 applicable conservation laws; and

13 (E) community outreach and education.

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

17 (3) FRESHWATER MUSSELS.—The terms
18 “freshwater mussel” and “freshwater mussels”
19 mean any member of the order Unioinida.

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

22 **SEC. 304. FRESHWATER MUSSEL CONSERVATION ASSIST-**
23 **ANCE.**

24 (a) IN GENERAL.—Subject to the availability of
25 funds and in consultation with other Federal officials, the

1 Secretary of Interior shall provide competitive financial as-
2 sistance, including multiyear grants, for projects for the
3 conservation of freshwater mussels in the United States
4 for which project proposals are approved by the Secretary
5 in accordance with this section.

6 (b) USE OF EXISTING AUTHORITIES.—Assistance
7 provided under this section shall be carried out in a man-
8 ner consistent with authorities available to the Secretary
9 under the Endangered Species Act of 1973 (16 U.S.C.
10 1531 et seq.).

11 (c) PROJECT PROPOSALS.—

12 (1) ELIGIBLE APPLICANTS.—A project proposal
13 may be submitted to the Secretary under this section
14 by—

15 (A) a relevant State and Tribal agency, re-
16 search institution, or nonprofit organization
17 with the expertise required for the conservation
18 of freshwater mussels in the United States; and

19 (B) any other individual or entity, as de-
20 termined appropriate by the Secretary, with the
21 expertise required for the conservation of fresh-
22 water mussels in the United States.

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 shall include—

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

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

9 (C) a description of—

10 (i) the qualifications of the entity or
11 individuals 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;

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

18 (v) anticipated outcomes;

19 (vi) mechanisms to ensure adequate
20 local public participation in project devel-
21 opment and implementation; and

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

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

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

8 (F) information that demonstrates the
9 clear potential of the project to contribute to
10 the conservation of freshwater mussels in the
11 United States;

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

15 (H) such other information as the Sec-
16 retary may require.

17 (d) PROJECT REVIEW AND APPROVAL.—

18 (1) IN GENERAL.—The Secretary shall annu-
19 ally—

20 (A) solicit project proposals for grants
21 under this section;

22 (B) provide to other Federal officials, as
23 appropriate, copies of each proposal submitted
24 in response to the solicitation; and

1 (C) review each such proposal on a
2 timeline that recognizes the urgency of the de-
3 clining number of freshwater mussel species in
4 the United States to determine whether the
5 proposal meets the criteria specified in sub-
6 section (d).

7 (2) CONSULTATION; APPROVAL OR DIS-
8 APPROVAL.—Subject to the availability of funds, the
9 Secretary shall, with respect to each project proposal
10 submitted under this section, and after consulting
11 with other Federal officials, as appropriate—

12 (A) consult with respect to the proposal
13 with the government of each State and foreign
14 country in which the project is to be conducted;
15 and

16 (B) provide written notification of the ap-
17 proval or disapproval to the individual or entity
18 that submitted the proposal, such other Federal
19 officials, and each State and foreign country de-
20 scribed in subparagraph (A).

21 (e) CRITERIA FOR APPROVAL.—

22 (1) IN GENERAL.—The Secretary may approve
23 a project proposal under this section if the project
24 shows promise for contributing to recovering and

1 sustaining freshwater mussel populations in the
2 United States in the wild.

3 (2) PRIORITY.—In selecting projects for assist-
4 ance, the Secretary shall give preference to projects
5 that conserve threatened and endangered species
6 protected by the Endangered Species Act (16 U.S.C.
7 1531 et seq.).

8 (3) PROJECT SUSTAINABILITY.—To the max-
9 imum extent practicable, in determining whether to
10 approve project proposals under this section, the
11 Secretary shall give preference to conservation
12 projects that are designed to ensure effective, long-
13 term conservation of freshwater mussels and their
14 habitats.

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

19 (5) WAIVER.—The Secretary may waive the ap-
20 plication of paragraphs (2), (3), and (4) with respect
21 to a conservation project if the Secretary finds that
22 such waiver is necessary to support a conservation
23 project that the Secretary has identified as of high
24 priority.

25 (f) 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 may require) that
5 include all information that the Secretary, after con-
6 sultation with other government officials, determines
7 is necessary to evaluate the progress and success of
8 such project for the purposes of ensuring positive re-
9 sults, assessing problems, and fostering improve-
10 ments.

11 (2) AVAILABILITY TO THE PUBLIC.—Reports
12 under paragraph (1), and any other documents re-
13 lating to projects for which financial assistance is
14 provided under this title, shall be made available to
15 the public in a timely manner.

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

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

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

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

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

3 (b) EXPENDITURES FROM FUND.—

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

10 (2) ADMINISTRATIVE EXPENSES.—Of the
11 amounts in the account available for each fiscal
12 year, the Secretary may expend not more than 3
13 percent, or up to \$80,000, whichever is greater, to
14 pay the administrative expenses necessary to carry
15 out this title.

16 (c) INVESTMENT OF AMOUNTS.—

17 (1) IN GENERAL.—The Secretary of the Treas-
18 ury shall invest such portion of the Fund as is not,
19 in the judgment of the Secretary of the Treasury,
20 required to meet current withdrawals. Investments
21 may be made only in interest-bearing obligations of
22 the United States.

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

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

2 (B) by purchase of outstanding obligations

3 at market price.

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

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

11 (d) TRANSFERS OF AMOUNTS.—

12 (1) IN GENERAL.—The amounts required to be
13 transferred to the Fund under this section shall be
14 transferred at least monthly from the general fund
15 of the Treasury to the Fund on the basis of esti-
16 mates made by the Secretary of the Treasury.

17 (2) ADJUSTMENTS.—Proper adjustment shall
18 be made in amounts subsequently transferred to the
19 extent prior estimates were in excess of or less than
20 the amounts required to be transferred.

21 (e) ACCEPTANCE AND USE OF DONATIONS.—

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

25 (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 2022 through
20 2027 to carry out this title.

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

22 The Secretary shall submit an annual report to Con-
23 gress not later than January 31 of each year regarding
24 the Fund and the status of freshwater mussels in the
25 United States. Each such report shall include with respect

1 to the year for which the report is submitted a description
2 of—

3 (1) the total amounts deposited into and ex-
4 pended from the Fund;

5 (2) the costs associated with the administration
6 of the Fund;

7 (3) a summary of the projects for which the
8 Secretary has provided assistance under section 304
9 and an evaluation of those projects; and

10 (4) an evaluation of the status of threatened
11 and endangered freshwater mussel populations in
12 the United States.

13 **TITLE IV—SOUTHWEST DESERT**
14 **FISH CONSERVATION FUND**
15 **ACT OF 2021**

16 **SEC. 401. SHORT TITLE.**

17 This title may be cited as the “Southwest Desert Fish
18 Conservation Fund Act of 2021”.

19 **SEC. 402. PURPOSES.**

20 The purpose of this title is to assist in the conserva-
21 tion of threatened and endangered desert fish species and
22 their habitats in the Southwest United States by sup-
23 porting and providing financial resources for projects to
24 conserve desert fish species, their habitats, and address
25 other threats to the survival of desert fish species.

1 **SEC. 403. DEFINITIONS.**

2 In this title:

3 (1) CONSERVATION.—The term “conservation”
4 means the use of all methods and procedures nec-
5 essary to protect habitats of desert fish species in
6 the Southwest and of the fish species in those habi-
7 tats including—

8 (A) protection, restoration, and manage-
9 ment of habitats;

10 (B) onsite research and monitoring of pop-
11 ulations, habitats, annual reproduction, and
12 desert fish species population trends;

13 (C) assistance in the development, imple-
14 mentation, and improvement of national and re-
15 gional management plans;

16 (D) enforcement and implementation of
17 applicable conservation laws; and

18 (E) community outreach and education.

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

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

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

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

6 **SEC. 404. SOUTHWEST DESERT FISH CONSERVATION AS-**
7 **SISTANCE.**

8 (a) ASSISTANCE.—

9 (1) IN GENERAL.—Subject to the availability of
10 funds and in consultation with other Federal offi-
11 cials, the Secretary of Interior (in this title referred
12 to as the “Secretary”) shall provide competitive fi-
13 nancial assistance, including multiyear grants, for
14 projects for the conservation of desert fish species in
15 Southwest for which project proposals are approved
16 by the Secretary in accordance with this section.

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

22 (b) PROJECT PROPOSALS.—

23 (1) ELIGIBLE APPLICANTS.—A project proposal
24 may be submitted to the Secretary under this section
25 by—

1 (A) a relevant State or Tribal agency, re-
2 search institution, or nonprofit organization
3 with expertise required for the conservation of
4 desert fish species in the Southwest; and

5 (B) any other individual or entity, as de-
6 termined appropriate by the Secretary, with the
7 expertise required for the conservation of desert
8 fish species in the Southwest.

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 shall include—

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

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

20 (C) a description of—

21 (i) the qualifications of the entity or
22 individuals 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;

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

5 (v) anticipated outcomes;

6 (vi) mechanisms to ensure adequate
7 local public participation in project devel-
8 opment and implementation; and

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

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

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

20 (F) information that demonstrates the
21 clear potential of the project to contribute to
22 the conservation of desert fish populations in
23 the Southwest;

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

4 (H) such other information as the Sec-
5 retary may require.

6 (c) PROJECT REVIEW AND APPROVAL.—

7 (1) IN GENERAL.—The Secretary shall annu-
8 ally—

9 (A) solicit project proposals for grants
10 under this section;

11 (B) provide to other Federal officials, as
12 appropriate, copies of each proposal submitted
13 in response to the solicitation; and

14 (C) review each such proposal on a
15 timeline that recognizes the urgency of the de-
16 clining number of desert fish species in the
17 Southwest to determine whether the proposal
18 meets the criteria specified in subsection (d).

19 (2) CONSULTATION; APPROVAL OR DIS-
20 APPROVAL.—Subject to the availability of funds, the
21 Secretary shall, with respect to each project proposal
22 submitted under this section, and after consulting
23 with other Federal officials, as appropriate—

24 (A) consult with respect to the proposal
25 with the government of each State and foreign

1 country in which the project is to be conducted;
2 and

3 (B) provide written notification of the ap-
4 proval or disapproval to the individual or entity
5 that submitted the proposal, such other Federal
6 officials, and each State and foreign country de-
7 scribed in subparagraph (A).

8 (d) CRITERIA FOR APPROVAL.—The Secretary may
9 approve a project proposal under this section if the project
10 shows promise for contributing to recovering and sus-
11 taining desert fish populations in the Southwest in the
12 wild.

13 (1) PRIORITY.—In selecting projects for assist-
14 ance, the Secretary shall give preference to projects
15 that conserve threatened and endangered species
16 protected by the Endangered Species Act (16 U.S.C.
17 1531 et seq.).

18 (2) PROJECT SUSTAINABILITY.—To the max-
19 imum extent practicable, in determining whether to
20 approve project proposals under this section, the
21 Secretary shall give preference to conservation
22 projects that are designed to ensure effective, long-
23 term conservation of desert fish and their habitats.

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

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

3 (4) WAIVER.—The Secretary may waive the ap-
4 plication of paragraph (2), (3), and (4) if the Sec-
5 retary finds that such waiver is necessary to support
6 a conservation project that the Secretary has identi-
7 fied as of high priority.

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 may require) that
13 include all information that the Secretary, after con-
14 sultation with other government officials, determines
15 is necessary to evaluate the progress and success of
16 such project for the purposes of ensuring positive re-
17 sults, assessing problems, and fostering improve-
18 ments.

19 (2) AVAILABILITY TO THE PUBLIC.—Reports
20 under paragraph (1), and any other documents re-
21 lating to projects for which financial assistance is
22 provided under this title, shall be made available to
23 the public in a timely manner.

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 of the
6 Treasury for deposit into the Fund under subsection
7 (e);

8 (2) amounts appropriated to the Fund under
9 section 406; and

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

12 (b) EXPENDITURES FROM FUND.—

13 (1) IN GENERAL.—Subject to paragraph (2), at
14 the request of the Secretary, the Secretary of the
15 Treasury shall transfer from the Fund to the Sec-
16 retary, without further appropriation, such amounts
17 as the Secretary determines are necessary to carry
18 out section 404.

19 (2) ADMINISTRATIVE EXPENSES.—Of the
20 amounts in the account available for each fiscal
21 year, the Secretary may expend not more than 3
22 percent, or up to \$80,000, whichever is greater, to
23 pay the administrative expenses necessary to carry
24 out this title.

25 (c) INVESTMENT OF AMOUNTS.—

1 (1) IN GENERAL.—The Secretary of the Treas-
2 ury shall invest such portion of the Fund as is not,
3 in the judgment of the Secretary of the Treasury,
4 required to meet current withdrawals. Investments
5 may be made only in interest-bearing obligations of
6 the United States.

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

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

11 (B) by purchase of outstanding obligations
12 at market price.

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

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

20 (d) TRANSFERS OF AMOUNTS.—

21 (1) IN GENERAL.—The amounts required to be
22 transferred to the Fund under this section shall be
23 transferred at least monthly from the general fund
24 of the Treasury to the Fund on the basis of esti-
25 mates made by the Secretary of the Treasury.

1 (2) ADJUSTMENTS.—Proper adjustment shall
2 be made in amounts subsequently transferred to the
3 extent prior estimates were in excess of or less than
4 the amounts required to be transferred.

5 (e) ACCEPTANCE AND USE OF DONATIONS.—

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

9 (A) Money.

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

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

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

21 (3) TAXES.—If a gift received under this sub-
22 section is subject to a gift or inheritance tax, the
23 Secretary may pay the tax out of the proceeds of the
24 gift or the proceeds of the redemption or sale of the
25 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 2022 through
4 2027 to carry out this title.

5 **SEC. 407. REPORT TO CONGRESS.**

6 The Secretary shall submit an annual report to Con-
7 gress not later than January 31 of each year regarding
8 the Fund and the status of desert fish in the Southwest.
9 Each such report shall include with respect to the year
10 for which the report is submitted a description of—

11 (1) the total amounts deposited into and ex-
12 pended from the Fund;

13 (2) the costs associated with the administration
14 of the Fund;

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

18 (4) an evaluation of the status of threatened
19 and endangered desert fish populations in the South-
20 west.

○