

117TH CONGRESS  
1ST SESSION

# S. 1728

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

MAY 20, 2021

Mr. BLUMENTHAL (for himself, Mr. MERKLEY, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

## 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; TABLE OF CONTENTS.**

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; table of contents.

Sec. 2. Definition of Secretary.

TITLE I—NORTH AMERICA BUTTERFLY CONSERVATION FUND  
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. Report to Congress.
- Sec. 107. Authorization of appropriations.

TITLE II—PACIFIC ISLANDS PLANT CONSERVATION FUND ACT  
OF 2021

- Sec. 201. Short title.
- Sec. 202. Purpose.
- Sec. 203. Definitions.
- Sec. 204. Pacific Islands plant conservation assistance.
- Sec. 205. Pacific Islands Plant Conservation Fund.
- Sec. 206. Report to Congress.
- Sec. 207. Authorization of appropriations.

TITLE III—FRESHWATER MUSSEL CONSERVATION FUND ACT OF  
2021

- Sec. 301. Short title.
- Sec. 302. Purpose.
- Sec. 303. Definitions.
- Sec. 304. Freshwater mussel conservation assistance.
- Sec. 305. Freshwater Mussel Conservation Fund.
- Sec. 306. Report to Congress.
- Sec. 307. Authorization of appropriations.

TITLE IV—SOUTHWEST DESERT FISH CONSERVATION FUND ACT  
OF 2021

- Sec. 401. Short title.
- Sec. 402. Purpose.
- Sec. 403. Definitions.
- Sec. 404. Southwest desert fish conservation assistance.
- Sec. 405. Southwest Desert Fish Conservation Fund.
- Sec. 406. Report to Congress.
- Sec. 407. Authorization of appropriations.

**1 SEC. 2. DEFINITION OF SECRETARY.**

2       In this Act, the term “Secretary” means the Sec-  
3 retary of the Interior.

1 **TITLE I—NORTH AMERICA BUT-**  
2 **TERFLY CONSERVATION**  
3 **FUND ACT 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 the conservation initia-  
16 tives described in paragraph (2).

17 **SEC. 103. DEFINITIONS.**

18 In this title:

19 (1) BUTTERFLY.—The term “butterfly” means  
20 any member of the order Lepidoptera.

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

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

3 (B) onsite research and monitoring of—

4 (i) butterfly populations;

5 (ii) butterfly habitats;

6 (iii) annual butterfly reproduction;

7 and

8 (iv) butterfly species population  
9 trends;

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

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

15 (E) community outreach and education.

16 (3) FUND.—The term “Fund” means the  
17 North America Butterfly Conservation Fund estab-  
18 lished by section 105(a).

19 (4) NORTH AMERICA.—The term “North Amer-  
20 ica” means—

21 (A) Antigua and Barbuda;

22 (B) the Bahamas;

23 (C) Barbados;

24 (D) Belize;

25 (E) Canada;

- 1 (F) Costa Rica;  
2 (G) Cuba;  
3 (H) Dominica;  
4 (I) the Dominican Republic;  
5 (J) El Salvador;  
6 (K) Grenada;  
7 (L) Guatemala;  
8 (M) Haiti;  
9 (N) Honduras;  
10 (O) Jamaica;  
11 (P) Mexico;  
12 (Q) Nicaragua;  
13 (R) Panama;  
14 (S) Saint Kitts and Nevis;  
15 (T) Saint Lucia;  
16 (U) Saint Vincent and the Grenadines;  
17 (V) Trinidad and Tobago; and  
18 (W) the United States.

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

21 (a) ASSISTANCE.—

22 (1) IN GENERAL.—Subject to the availability of  
23 funds, and in consultation with other Federal offi-  
24 cials, the Secretary shall use amounts in the Fund  
25 to provide financial assistance for projects for the

1 conservation of butterflies and for which a project  
2 proposal is approved by the Secretary under sub-  
3 section (c).

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 proposal for a  
11 project for the conservation of butterflies may be  
12 submitted to the Secretary by—

13 (A) a State that has within its boundaries  
14 butterfly habitat;

15 (B) a Tribal agency of an Indian Tribe the  
16 Tribal land of which contains butterfly habitat;

17 (C) a relevant State agency, Tribal agency,  
18 research institution, nonprofit organization, or  
19 wildlife management authority in North Amer-  
20 ica that directly or indirectly affects butterfly  
21 conservation, as determined by the Secretary;

22 or

23 (D) any other individual or entity, as de-  
24 termined appropriate by the Secretary, with the

1 demonstrated expertise required for the con-  
2 servation of butterflies in North America.

3 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

4 (A) IN GENERAL.—A Federal agency may  
5 be included as a partner or a collaborator on a  
6 project that receives funding under this section.

7 (B) PROHIBITION.—A Federal agency may  
8 not—

9 (i) be a lead entity on a project that  
10 receives funding under this section; or

11 (ii) receive funding for a project under  
12 this section.

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

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

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

19 (C) a description of—

20 (i) the qualifications of the entity or  
21 individuals that will carry out the project;

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

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

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

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

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

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

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

17 (F) demonstrated sensitivity to—

18 (i) local historic and cultural re-  
19 sources; and

20 (ii) compliance with applicable laws;

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



1 (H) evidence of support for the project by  
2 appropriate governmental entities of the coun-  
3 tries, Indian Tribes, and indigenous commu-  
4 nities in which the project will be conducted, if  
5 the Secretary determines that the support is re-  
6 quired for the success of the project;

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

10 (J) such other information as the Sec-  
11 retary may require.

12 (c) PROJECT REVIEW AND APPROVAL.—

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

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

18 (B) review each project proposal in a time-  
19 ly manner to determine whether the proposal  
20 meets the criteria described in paragraph (3).

21 (2) CONSULTATION; APPROVAL OR DIS-  
22 APPROVAL.—Subject to the availability of funds, not  
23 later than 180 days after receiving a project pro-  
24 posal, the Secretary, after consulting with other  
25 Federal officials, as appropriate, shall—

1 (A) consult with the government of each  
2 country in which the project is to be carried out  
3 regarding the proposal;

4 (B) after taking into consideration any  
5 comments resulting from the consultation under  
6 subparagraph (A), approve or disapprove the  
7 project proposal; and

8 (C) provide written notification of the ap-  
9 proval or disapproval of the project proposal  
10 to—

11 (i) the person that submitted the  
12 project proposal;

13 (ii) other appropriate Federal offi-  
14 cials; and

15 (iii) each country described in sub-  
16 paragraph (A).

17 (3) CRITERIA FOR APPROVAL.—

18 (A) IN GENERAL.—The Secretary may ap-  
19 prove a project proposal under this section if  
20 the project will help recover and sustain viable  
21 populations of butterflies in the wild by assist-  
22 ing efforts in North America to implement but-  
23 tterfly conservation programs.

24 (B) PRIORITY.—In determining whether to  
25 approve a project proposal under this section,

1 the Secretary shall give the highest priority to  
2 projects that conserve species listed as threat-  
3 ened species or endangered species under the  
4 Endangered Species Act of 1973 (16 U.S.C.  
5 1531 et seq.).

6 (C) PREFERENCES.—In determining  
7 whether to approve a project proposal under  
8 this section, the Secretary, to the maximum ex-  
9 tent practicable, shall give preference to—

10 (i) conservation projects that are de-  
11 signed to ensure effective, long-term con-  
12 servation of butterflies and butterfly habi-  
13 tats; and

14 (ii) projects for which matching funds  
15 are available.

16 (D) WAIVER.—The Secretary may waive  
17 the application of subparagraphs (B) and (C) if  
18 the Secretary determines that the waiver is nec-  
19 essary to support a conservation project that  
20 the Secretary has identified as being of high  
21 priority.

22 (d) PROJECT REPORTING.—

23 (1) IN GENERAL.—Each person that receives  
24 assistance for a project under this section shall sub-  
25 mit to the Secretary, at such intervals as the Sec-

1       retary may require, periodic reports that include all  
2       information that the Secretary, after consultation  
3       with other Federal Government officials, determines  
4       is necessary to evaluate the progress and success of  
5       the project for the purposes of ensuring positive re-  
6       sults, assessing problems, and fostering improve-  
7       ments.

8               (2) AVAILABILITY TO THE PUBLIC.—Each re-  
9       port under paragraph (1) and any other document  
10      relating to a project for which financial assistance is  
11      provided under this title shall be made available to  
12      the public in a timely manner.

13 **SEC. 105. NORTH AMERICA BUTTERFLY CONSERVATION**  
14               **FUND.**

15      (a) ESTABLISHMENT.—There is established in the  
16      Treasury of the United States a separate account, to be  
17      known as the “North America Butterfly Conservation  
18      Fund”, consisting of—

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

22               (2) amounts appropriated to the Fund under  
23      section 107; 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 104.

8 (2) ADMINISTRATIVE EXPENSES.—To pay the  
9 administrative expenses necessary to carry out this  
10 title in a fiscal year, the Secretary may expend from  
11 the Fund not more than the greater of—

12 (A) 3 percent of the amounts in the Fund  
13 that are available for the fiscal year; and

14 (B) \$80,000.

15 (c) INVESTMENT OF AMOUNTS.—

16 (1) IN GENERAL.—The Secretary of the Treas-  
17 ury shall invest the portion of the Fund that is not,  
18 in the judgment of the Secretary of the Treasury,  
19 required to meet current withdrawals.

20 (2) REQUIREMENT.—Investments under para-  
21 graph (1) may be made only in interest-bearing obli-  
22 gations of the United States.

23 (3) ACQUISITION OF OBLIGATIONS.—For the  
24 purpose of investments under paragraph (1), obliga-  
25 tions of the United States 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 (4) SALE OF OBLIGATIONS.—Any obligation of  
5 the United States acquired by the Fund may be sold  
6 by the Secretary of the Treasury at market price.

7 (5) 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.—Not less frequently than  
13 monthly, the Secretary of the Treasury shall trans-  
14 fer from the general fund of the Treasury to the  
15 Fund the amounts required to be transferred to the  
16 Fund under this section on the basis of estimates  
17 made by the Secretary of the Treasury.

18 (2) ADJUSTMENTS.—In carrying out paragraph  
19 (1), the Secretary of the Treasury shall make proper  
20 adjustments in amounts transferred to the Fund to  
21 the extent that prior estimates were in excess of or  
22 less than the amounts required to be transferred  
23 under this section.

24 (e) ACCEPTANCE AND USE OF DONATIONS.—

1           (1) IN GENERAL.—The Secretary may accept  
2 for the Government, and shall transfer to the Sec-  
3 retary of the Treasury for deposit into the Fund, a  
4 gift to provide assistance under section 104 of—

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; or

10                  (C) any 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 subsection when  
16 the rejection is in the interest of the Government, as  
17 determined by the Secretary.

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

23 **SEC. 106. REPORT TO CONGRESS.**

24           (a) IN GENERAL.—Not later than January 31 of  
25 each year, the Secretary shall submit to Congress a report

1 regarding the Fund and the status of butterflies in North  
2 America.

3 (b) REQUIREMENTS.—Each report under subsection  
4 (a) shall include, for the year covered by the report, a de-  
5 scription of—

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

8 (2) the costs associated with the administration  
9 of the Fund;

10 (3) a summary of the projects for which the  
11 Secretary has provided assistance under section 104  
12 and an evaluation of those projects; and

13 (4) an evaluation of the status of threatened  
14 and endangered butterfly populations in North  
15 America.

16 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

17 There is authorized to be appropriated to the Fund  
18 \$5,000,000 for each of fiscal years 2021 through 2026.

19 **TITLE II—PACIFIC ISLANDS**  
20 **PLANT CONSERVATION FUND**  
21 **ACT OF 2021**

22 **SEC. 201. SHORT TITLE.**

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



1 **SEC. 202. PURPOSE.**

2       The purpose of this title is to assist in the conserva-  
3 tion of threatened and endangered plant species in the Ha-  
4 waiian Islands and the Pacific Island Territories of the  
5 United States by supporting and providing financial re-  
6 sources for projects—

7           (1) to conserve plant species;

8           (2) to conserve the ecosystems of those plant  
9 species; and

10          (3) to address other threats to the survival of  
11 those plant species.

12 **SEC. 203. DEFINITIONS.**

13       In this title:

14           (1) CONSERVATION.—The term “conservation”  
15 means the use of all methods and procedures nec-  
16 essary to protect plants in the Pacific Islands, in-  
17 cluding—

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

20           (B) onsite research and monitoring of—

21                   (i) plant populations;

22                   (ii) plant ecosystems;

23                   (iii) annual plant reproduction; and

24                   (iv) 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(a).

10 (3) PACIFIC ISLANDS.—The term “Pacific Is-  
11 lands” means—

12 (A) the Hawaiian Islands; and

13 (B) the United States territories of—

14 (i) Guam;

15 (ii) American Samoa; and

16 (iii) the Commonwealth of the North-  
17 ern Mariana Islands.

18 **SEC. 204. PACIFIC ISLANDS PLANT CONSERVATION ASSIST-**  
19 **ANCE.**

20 (a) ASSISTANCE.—

21 (1) IN GENERAL.—Subject to the availability of  
22 funds, and in consultation with other Federal offi-  
23 cials, the Secretary of the Interior shall provide com-  
24 petitive financial assistance, including multiyear  
25 grants, for projects for the conservation of plant spe-

1       cies on the Pacific Islands and for which a project  
2       proposal is approved by the Secretary under sub-  
3       section (c).

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       may be submitted to the Secretary under this section  
12       by—

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

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

21       (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

22              (A) IN GENERAL.—A Federal agency may  
23       be included as a partner or a collaborator on a  
24       project that receives funding under this section.

1 (B) PROHIBITION.—A Federal agency may  
2 not—

3 (i) be a lead entity on a project that  
4 receives funding under this section; or

5 (ii) receive funding for a project under  
6 this section.

7 (3) REQUIRED ELEMENTS.—A project proposal  
8 shall include—

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

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

13 (C) a description of—

14 (i) the qualifications of the entity or  
15 individuals that will carry out the project;

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

18 (iii) staffing and stakeholder engage-  
19 ment for the project;

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

22 (v) anticipated outcomes of the  
23 project;

1 (vi) mechanisms to ensure adequate  
2 local public participation in project devel-  
3 opment and implementation; and

4 (vii) how the project will promote sus-  
5 tainable, effective, long-term programs to  
6 conserve plant populations on the Pacific  
7 Islands;

8 (D) demonstrated sensitivity to—

9 (i) local historic and cultural re-  
10 sources; and

11 (ii) compliance with applicable laws;

12 (E) assurances that the project will be im-  
13 plemented in consultation with relevant wildlife  
14 management authorities, Indian Tribes, and  
15 other appropriate government officials;

16 (F) information that demonstrates the  
17 clear potential of the project to contribute to  
18 the conservation of threatened and endangered  
19 plant species on the Pacific Islands;

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

23 (H) such other information as the Sec-  
24 retary may require.

25 (c) PROJECT REVIEW AND APPROVAL.—

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

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

6 (B) review each project proposal in a time-  
7 ly manner to determine whether the proposal  
8 meets the criteria described in paragraph (3).

9 (2) CONSULTATION; APPROVAL OR DIS-  
10 APPROVAL.—Subject to the availability of funds, not  
11 later than 180 days after receiving a project pro-  
12 posal, the Secretary, after consulting with other  
13 Federal officials, as appropriate, shall—

14 (A) consult with the government of the  
15 State or territory in which the project is to be  
16 carried out regarding the proposal; and

17 (B) provide written notification of the ap-  
18 proval or disapproval of the proposal to—

19 (i) the individual or entity that sub-  
20 mitted the project proposal;

21 (ii) other appropriate Federal offi-  
22 cials; and

23 (iii) each State or territory described  
24 in subparagraph (A).

25 (3) CRITERIA FOR APPROVAL.—

1           (A) IN GENERAL.—The Secretary may ap-  
2 prove a project proposal under this section if  
3 the project will help recover and sustain viable  
4 populations of threatened and endangered  
5 plants by assisting efforts on the Pacific Islands  
6 to implement plant conservation programs.

7           (B) PRIORITY.—In determining whether to  
8 approve a project proposal under this section,  
9 the Secretary shall give the highest priority to  
10 projects that conserve species listed as threat-  
11 ened species or endangered species under the  
12 Endangered Species Act of 1973 (16 U.S.C.  
13 1531 et seq.).

14          (C) PREFERENCES.—In determining  
15 whether to approve a project proposal under  
16 this section, the Secretary, to the maximum ex-  
17 tent practicable, shall give preference to—

18           (i) conservation projects that are de-  
19 signed to ensure effective, long-term con-  
20 servation of plants and plant ecosystems;  
21 and

22           (ii) projects for which matching funds  
23 are available.

24          (D) WAIVER.—The Secretary may waive  
25 the application of subparagraphs (B) and (C) if

1           the Secretary determines that the waiver is nec-  
2           essary to support a conservation project that  
3           the Secretary has identified as being of high  
4           priority.

5           (d) PROJECT REPORTING.—

6           (1) IN GENERAL.—Each individual or entity  
7           that receives assistance for a project under this sec-  
8           tion shall submit to the Secretary, at such intervals  
9           as the Secretary may require, periodic reports that  
10          include all information that the Secretary, after con-  
11          sultation with other government officials, determines  
12          is necessary to evaluate the progress and success of  
13          the project for the purposes of ensuring positive re-  
14          sults, assessing problems, and fostering improve-  
15          ments.

16          (2) AVAILABILITY TO THE PUBLIC.—Each re-  
17          port under paragraph (1) and any other document  
18          relating to a project for which financial assistance is  
19          provided under this title shall be made available to  
20          the public in a timely manner.

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

22          (a) ESTABLISHMENT.—There is established in the  
23          Treasury of the United States a separate account, to be  
24          known as the “Pacific Islands Plant Conservation Fund”,  
25          consisting of—



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

4           (2) amounts appropriated to the Fund under  
5 section 207; and

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

8 (b) EXPENDITURES FROM FUND.—

9           (1) IN GENERAL.—Subject to paragraph (2), at  
10 the request of the Secretary, the Secretary of the  
11 Treasury shall transfer from the Fund to the Sec-  
12 retary, without further appropriation, such amounts  
13 as the Secretary determines are necessary to carry  
14 out section 204.

15           (2) ADMINISTRATIVE EXPENSES.—To pay the  
16 administrative expenses necessary to carry out this  
17 title in a fiscal year, the Secretary may expend from  
18 the Fund not more than the greater of—

19                   (A) 3 percent of the amounts in the Fund  
20 that are available for the fiscal year; and

21                   (B) \$80,000.

22 (c) INVESTMENT OF AMOUNTS.—

23           (1) IN GENERAL.—The Secretary of the Treas-  
24 ury shall invest the portion of the Fund that is not,

1 in the judgment of the Secretary of the Treasury,  
2 required to meet current withdrawals.

3 (2) REQUIREMENT.—Investments under para-  
4 graph (1) may be made only in interest-bearing obli-  
5 gations of the United States.

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

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

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

12 (4) SALE OF OBLIGATIONS.—Any obligation of  
13 the United States acquired by the Fund may be sold  
14 by the Secretary of the Treasury at market price.

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

19 (d) TRANSFERS OF AMOUNTS.—

20 (1) IN GENERAL.—Not less frequently than  
21 monthly, the Secretary of the Treasury shall trans-  
22 fer from the general fund of the Treasury to the  
23 Fund the amounts required to be transferred to the  
24 Fund under this section on the basis of estimates  
25 made by the Secretary of the Treasury.

1           (2) ADJUSTMENTS.—In carrying out paragraph  
2           (1), the Secretary of the Treasury shall make proper  
3           adjustments in amounts transferred to the Fund to  
4           the extent that prior estimates were in excess of or  
5           less than the amounts required to be transferred  
6           under this section.

7           (e) ACCEPTANCE AND USE OF DONATIONS.—

8           (1) IN GENERAL.—The Secretary may accept  
9           for the Government, and shall transfer to the Sec-  
10          retary of the Treasury for deposit into the Fund, a  
11          gift to provide assistance under section 204 of—

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; or

17                   (C) any 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 subsection when  
23          the rejection is in the interest of the Government, as  
24          determined by the Secretary.

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

6 **SEC. 206. REPORT TO CONGRESS.**

7           (a) IN GENERAL.—Not later than January 31 of  
8           each year, the Secretary shall submit to Congress a report  
9           regarding the Fund and the status of threatened and en-  
10          dangered plant species on the Pacific Islands.

11          (b) REQUIREMENTS.—Each report under subsection  
12          (a) shall include, for the year covered by the report, a de-  
13          scription 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 204  
20                 and an evaluation of those projects; and

21                 (4) an evaluation of the status of threatened  
22                 and endangered plant populations on the Pacific Is-  
23                 lands.

1 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the Fund  
3 \$5,000,000 for each of fiscal years 2021 through 2026.

4 **TITLE III—FRESHWATER MUSSEL CONSERVATION FUND**  
5 **ACT OF 2021**

7 **SEC. 301. SHORT TITLE.**

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

10 **SEC. 302. PURPOSE.**

11 The purpose of this title is to assist in the conserva-  
12 tion of threatened and endangered freshwater mussel spe-  
13 cies and the habitats of those species in the United States  
14 by supporting and providing financial resources for  
15 projects—

16 (1) to conserve freshwater mussel species;

17 (2) to conserve the habitats of those species;

18 and

19 (3) to address other threats to the survival of  
20 those species.

21 **SEC. 303. DEFINITIONS.**

22 In this title:

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

1       cies in the United States and the freshwater mussel  
2       species in those habitats, including—

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

5               (B) onsite research and monitoring of—

6                       (i) freshwater mussel populations;

7                       (ii) freshwater mussel habitats;

8                       (iii) annual freshwater mussel repro-  
9       duction; and

10                      (iv) freshwater mussel species popu-  
11       lation trends;

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

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

17               (E) community outreach and education.

18       (2) FRESHWATER MUSSEL.—The term “fresh-  
19       water mussel” means any member of the order  
20       Unioinida.

21       (3) FUND.—The term “Fund” means the  
22       Freshwater Mussel Conservation Fund established  
23       by section 305(a).

1 **SEC. 304. FRESHWATER MUSSEL CONSERVATION ASSIST-**  
2 **ANCE.**

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 provide competitive finan-  
7 cial assistance, including multiyear grants, for  
8 projects for the conservation of freshwater mussels  
9 in the United States and for which a project pro-  
10 posal is approved by the Secretary under subsection  
11 (c).

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

17 (b) PROJECT PROPOSALS.—

18 (1) ELIGIBLE APPLICANTS.—A project proposal  
19 may be submitted to the Secretary under this section  
20 by—

21 (A) a relevant State or Tribal agency, re-  
22 search institution, or nonprofit organization  
23 with the expertise required for the conservation  
24 of freshwater mussels in the United States; and

25 (B) any other individual or entity, as de-  
26 termined appropriate by the Secretary, with the

1 expertise required for the conservation of fresh-  
2 water mussels in the United States.

3 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

4 (A) IN GENERAL.—A Federal agency may  
5 be included as a partner or a collaborator on a  
6 project that receives funding under this section.

7 (B) PROHIBITION.—A Federal agency may  
8 not—

9 (i) be a lead entity on a project that  
10 receives funding under this section; or

11 (ii) receive funding for a project under  
12 this section.

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

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

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

19 (C) a description of—

20 (i) the qualifications of the entity or  
21 individuals that will carry out the project;

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

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



- 1 (iv) the logistics of the project, includ-  
2 ing cost estimates and timelines;
- 3 (v) anticipated outcomes of the  
4 project;
- 5 (vi) mechanisms to ensure adequate  
6 local public participation in project devel-  
7 opment and implementation; and
- 8 (vii) how the project will promote sus-  
9 tainable, effective, long-term programs to  
10 conserve freshwater mussel populations in  
11 the United States;
- 12 (D) demonstrated sensitivity to—
- 13 (i) local historic and cultural re-  
14 sources; and
- 15 (ii) compliance with applicable laws;
- 16 (E) assurances that the project will be im-  
17 plemented in consultation with relevant wildlife  
18 management authorities, Indian Tribes, and  
19 other appropriate government officials;
- 20 (F) information that demonstrates the  
21 clear potential of the project to contribute to  
22 the conservation of freshwater mussels in the  
23 United States;

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 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, on a timeline that recognizes  
15 the urgency of the declining number of fresh-  
16 water mussel species in the United States, each  
17 project proposal submitted in response to the  
18 solicitation to determine whether the proposal  
19 meets the criteria described in paragraph (3).

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

1 (A) consult with the government of each  
2 State and territory in which the project is to be  
3 carried out regarding the proposal; and

4 (B) provide written notification of the ap-  
5 proval or disapproval of the project proposal  
6 to—

7 (i) the individual or entity that sub-  
8 mitted the project proposal;

9 (ii) other appropriate Federal offi-  
10 cials; and

11 (iii) each State and territory described  
12 in subparagraph (A).

13 (3) CRITERIA FOR APPROVAL.—

14 (A) IN GENERAL.—The Secretary may ap-  
15 prove a project proposal under this section if  
16 the project shows promise for contributing to  
17 recovering and sustaining wild freshwater mus-  
18 sel populations in the United States.

19 (B) PRIORITY.—In determining whether to  
20 approve a project proposal under this section,  
21 the Secretary shall give the highest priority to  
22 projects that conserve species listed as threat-  
23 ened species or endangered species under the  
24 Endangered Species Act of 1973 (16 U.S.C.  
25 1531 et seq.).

1 (C) PREFERENCES.—In determining  
2 whether to approve a project proposal under  
3 this section, the Secretary, to the maximum ex-  
4 tent practicable, shall give preference to—

5 (i) conservation projects that are de-  
6 signed to ensure effective, long-term con-  
7 servation of freshwater mussels and fresh-  
8 water mussel habitats; and

9 (ii) projects for which matching funds  
10 are available.

11 (D) WAIVER.—The Secretary may waive  
12 the application of subparagraphs (B) and (C) if  
13 the Secretary determines that the waiver is nec-  
14 essary to support a conservation project that  
15 the Secretary has identified as being of high  
16 priority.

17 (d) PROJECT REPORTING.—

18 (1) IN GENERAL.—Each individual or entity  
19 that receives assistance for a project under this sec-  
20 tion shall submit to the Secretary, at such intervals  
21 as the Secretary may require, periodic reports that  
22 include all information that the Secretary, after con-  
23 sultation with other government officials, determines  
24 is necessary to evaluate the progress and success of  
25 the project for the purposes of ensuring positive re-

1 sults, assessing problems, and fostering improve-  
2 ments.

3 (2) AVAILABILITY TO THE PUBLIC.—Each re-  
4 port under paragraph (1) and any other document  
5 relating to a project for which financial assistance is  
6 provided under this title shall be made available to  
7 the public in a timely manner.

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

9 (a) ESTABLISHMENT.—There is established in the  
10 Treasury of the United States a separate account, to be  
11 known as the “Freshwater Mussel Conservation Fund”,  
12 consisting of—

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

16 (2) amounts appropriated to the Fund under  
17 section 307; and

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

20 (b) EXPENDITURES FROM FUND.—

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

1 as the Secretary determines are necessary to carry  
2 out section 304.

3 (2) ADMINISTRATIVE EXPENSES.—To pay the  
4 administrative expenses necessary to carry out this  
5 title in a fiscal year, the Secretary may expend from  
6 the Fund not more than the greater of—

7 (A) 3 percent of the amounts in the Fund  
8 that are available for the fiscal year; and

9 (B) \$80,000.

10 (c) INVESTMENT OF AMOUNTS.—

11 (1) IN GENERAL.—The Secretary of the Treas-  
12 ury shall invest the portion of the Fund that is not,  
13 in the judgment of the Secretary of the Treasury,  
14 required to meet current withdrawals.

15 (2) REQUIREMENT.—Investments under para-  
16 graph (1) may be made only in interest-bearing obli-  
17 gations of the United States.

18 (3) ACQUISITION OF OBLIGATIONS.—For the  
19 purpose of investments under paragraph (1), obliga-  
20 tions of the United States may be acquired—

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

22 (B) by purchase of outstanding obligations  
23 at market price.

1           (4) SALE OF OBLIGATIONS.—Any obligation of  
2           the United States acquired by the Fund may be sold  
3           by the Secretary of the Treasury at market price.

4           (5) 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.—Not less frequently than  
10          monthly, the Secretary of the Treasury shall trans-  
11          fer from the general fund of the Treasury to the  
12          Fund the amounts required to be transferred to the  
13          Fund under this section on the basis of estimates  
14          made by the Secretary of the Treasury.

15          (2) ADJUSTMENTS.—In carrying out paragraph  
16          (1), the Secretary of the Treasury shall make proper  
17          adjustments in amounts transferred to the Fund to  
18          the extent that prior estimates were in excess of or  
19          less than the amounts required to be transferred  
20          under this section.

21          (e) ACCEPTANCE AND USE OF DONATIONS.—

22          (1) IN GENERAL.—The Secretary may accept  
23          for the Government, and shall transfer to the Sec-  
24          retary of the Treasury for deposit into the Fund, a  
25          gift to provide assistance under section 304 of—

1 (A) money;

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

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

10 (2) DISCRETION TO REJECT A GIFT.—The Sec-  
11 retary may reject a gift under this subsection when  
12 the rejection is in the interest of the Government, as  
13 determined by the Secretary.

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

19 **SEC. 306. REPORT TO CONGRESS.**

20 (a) IN GENERAL.—Not later than January 31 of  
21 each year, the Secretary shall submit to Congress a report  
22 regarding the Fund and the status of freshwater mussels  
23 in the United States.



1 (b) REQUIREMENTS.—Each report under subsection  
2 (a) shall include, for the year covered by the report, a de-  
3 scription of—

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

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

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

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

14 **SEC. 307. AUTHORIZATION OF APPROPRIATIONS.**

15 There is authorized to be appropriated to the Fund  
16 \$5,000,000 for each of fiscal years 2021 through 2026.

17 **TITLE IV—SOUTHWEST DESERT**  
18 **FISH CONSERVATION FUND**  
19 **ACT OF 2021**

20 **SEC. 401. SHORT TITLE.**

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

23 **SEC. 402. PURPOSE.**

24 The purpose of this title is to assist in the conserva-  
25 tion of threatened and endangered desert fish species and

1 the habitats of those species in the Southwest by sup-  
2 porting and providing financial resources for projects—

3 (1) to conserve desert fish species;

4 (2) to conserve the habitats of desert fish spe-  
5 cies; and

6 (3) to address other threats to the survival of  
7 desert fish species.

8 **SEC. 403. DEFINITIONS.**

9 In this title:

10 (1) CONSERVATION.—The term “conservation”  
11 means the use of all methods and procedures nec-  
12 essary to protect habitats of desert fish species in  
13 the Southwest and the desert fish species in those  
14 habitats, including—

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

17 (B) onsite research and monitoring of—

18 (i) desert fish populations;

19 (ii) desert fish habitats;

20 (iii) annual desert fish reproduction;

21 and

22 (iv) desert fish species population  
23 trends;

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

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

6 (E) community outreach and education.

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

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

13 (4) SOUTHWEST.—The term “Southwest”  
14 means the States of—

15 (A) Arizona;

16 (B) California;

17 (C) Colorado;

18 (D) Nevada;

19 (E) New Mexico;

20 (F) Oregon; and

21 (G) Utah.

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

24 (a) ASSISTANCE.—

1           (1) IN GENERAL.—Subject to the availability of  
2 funds, and in consultation with other Federal offi-  
3 cials, the Secretary shall provide competitive finan-  
4 cial assistance, including multiyear grants, for  
5 projects for the conservation of desert fish species in  
6 the Southwest and for which a project proposal is  
7 approved by the Secretary under subsection (c).

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

13       (b) PROJECT PROPOSALS.—

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

17               (A) a relevant State or Tribal agency, re-  
18 search institution, or nonprofit organization  
19 with expertise required for the conservation of  
20 desert fish species in the Southwest; and

21               (B) any other individual or entity, as de-  
22 termined appropriate by the Secretary, with the  
23 expertise required for the conservation of desert  
24 fish species in the Southwest.

25           (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

1 (A) IN GENERAL.—A Federal agency may  
2 be included as a partner or a collaborator on a  
3 project that receives funding under this section.

4 (B) PROHIBITION.—A Federal agency may  
5 not—

6 (i) be a lead entity on a project that  
7 receives funding under this section; or

8 (ii) receive funding for a project under  
9 this section.

10 (3) REQUIRED ELEMENTS.—A project proposal  
11 shall include—

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

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

16 (C) a description of—

17 (i) the qualifications of the entity or  
18 individuals that will carry out the project;

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

21 (iii) staffing and stakeholder engage-  
22 ment for the project;

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

- 1 (v) anticipated outcomes of the  
2 project;
- 3 (vi) mechanisms to ensure adequate  
4 local public participation in project devel-  
5 opment and implementation; and
- 6 (vii) how the project will promote sus-  
7 tainable, effective, long-term programs to  
8 conserve desert fish populations in the  
9 Southwest;
- 10 (D) demonstrated sensitivity to—
- 11 (i) local historic and cultural re-  
12 sources; and
- 13 (ii) compliance with applicable laws;
- 14 (E) assurances that the project will be im-  
15 plemented in consultation with relevant wildlife  
16 management authorities, Indian Tribes, and  
17 other appropriate government officials;
- 18 (F) information that demonstrates the  
19 clear potential of the project to contribute to  
20 the conservation of desert fish populations in  
21 the Southwest;
- 22 (G) information regarding the source and  
23 amount of any matching funding available for  
24 the project; and

1 (H) such other information as the Sec-  
2 retary may require.

3 (c) PROJECT REVIEW AND APPROVAL.—

4 (1) IN GENERAL.—The Secretary shall annu-  
5 ally—

6 (A) solicit project proposals for grants  
7 under this section;

8 (B) provide to other Federal officials, as  
9 appropriate, copies of each proposal submitted  
10 in response to the solicitation; and

11 (C) review, on a timeline that recognizes  
12 the urgency of the declining number of desert  
13 fish species in the Southwest, each project pro-  
14 posal submitted in response to the solicitation  
15 to determine whether the proposal meets the  
16 criteria specified in paragraph (3).

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

22 (A) consult with the government of each  
23 State in which the project is to be carried out  
24 regarding the proposal; and

1 (B) provide written notification of the ap-  
2 proval or disapproval of the project proposal  
3 to—

4 (i) the individual or entity that sub-  
5 mitted the project proposal;

6 (ii) other appropriate Federal offi-  
7 cials; and

8 (iii) each State described in subpara-  
9 graph (A).

10 (3) CRITERIA FOR APPROVAL.—

11 (A) IN GENERAL.—The Secretary may ap-  
12 prove a project proposal under this section if  
13 the project shows promise for contributing to  
14 recovering and sustaining wild desert fish popu-  
15 lations in the Southwest.

16 (B) PRIORITY.—In determining whether to  
17 approve a project proposal under this section,  
18 the Secretary shall give the highest priority to  
19 projects that conserve species listed as threat-  
20 ened species or endangered species under the  
21 Endangered Species Act of 1973 (16 U.S.C.  
22 1531 et seq.).

23 (C) PREFERENCES.—In determining  
24 whether to approve a project proposal under



1           this section, the Secretary, to the maximum ex-  
2           tent practicable, shall give preference to—

3                   (i) conservation projects that are de-  
4                   signed to ensure effective, long-term con-  
5                   servation of desert fish and desert fish  
6                   habitats; and

7                   (ii) projects for which matching funds  
8                   are available.

9           (D) WAIVER.—The Secretary may waive  
10           the application of subparagraphs (B) and (C) if  
11           the Secretary determines that the waiver is nec-  
12           essary to support a conservation project that  
13           the Secretary has identified as being of high  
14           priority.

15       (d) PROJECT REPORTING.—

16           (1) IN GENERAL.—Each individual or entity  
17           that receives assistance for a project under this sec-  
18           tion shall submit to the Secretary, at such intervals  
19           as the Secretary may require, periodic reports that  
20           include all information that the Secretary, after con-  
21           sultation with other government officials, determines  
22           is necessary to evaluate the progress and success of  
23           the project for the purposes of ensuring positive re-  
24           sults, assessing problems, and fostering improve-  
25           ments.

1           (2) AVAILABILITY TO THE PUBLIC.—Each re-  
2           port under paragraph (1) and any other document  
3           relating to a project for which financial assistance is  
4           provided under this title shall be made available to  
5           the public in a timely manner.

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

7           (a) ESTABLISHMENT.—There is established in the  
8           Treasury of the United States a separate account, to be  
9           known as the “Southwest Desert Fish Conservation  
10          Fund”, consisting of—

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

14           (2) amounts appropriated to the Fund under  
15           section 407; and

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

18          (b) EXPENDITURES FROM FUND.—

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

1           (2) ADMINISTRATIVE EXPENSES.—To pay the  
2 administrative expenses necessary to carry out this  
3 title in a fiscal year, the Secretary may expend from  
4 the Fund not more than the greater of—

5                   (A) 3 percent of the amounts in the Fund

6                   that are available for the fiscal year; and

7                   (B) \$80,000.

8           (c) INVESTMENT OF AMOUNTS.—

9                   (1) IN GENERAL.—The Secretary of the Treas-  
10 ury shall invest the portion of the Fund that is not,  
11 in the judgment of the Secretary of the Treasury,  
12 required to meet current withdrawals.

13                   (2) REQUIREMENT.—Investments under para-  
14 graph (1) may be made only in interest-bearing obli-  
15 gations of the United States.

16                   (3) ACQUISITION OF OBLIGATIONS.—For the  
17 purpose of investments under paragraph (1), obliga-  
18 tions of the United States 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                   (4) SALE OF OBLIGATIONS.—Any obligation of  
23 the United States acquired by the Fund may be sold  
24 by the Secretary of the Treasury at market price.

1           (5) 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.—Not less frequently than  
7           monthly, the Secretary of the Treasury shall trans-  
8           fer from the general fund of the Treasury to the  
9           Fund the amounts required to be transferred to the  
10          Fund under this section on the basis of estimates  
11          made by the Secretary of the Treasury.

12          (2) ADJUSTMENTS.—In carrying out paragraph  
13          (1), the Secretary of the Treasury shall make proper  
14          adjustments in amounts transferred to the Fund to  
15          the extent that prior estimates were in excess of or  
16          less than the amounts required to be transferred  
17          under this section.

18          (e) ACCEPTANCE AND USE OF DONATIONS.—

19          (1) IN GENERAL.—The Secretary may accept  
20          for the Government, and shall transfer to the Sec-  
21          retary of the Treasury for deposit into the Fund, a  
22          gift to provide assistance under section 404 of—

23                  (A) money;

24                  (B) an obligation of the Government in-  
25          cluded in the public debt made only on the con-

1           dition that the obligation be canceled and re-  
2           tired and not reissued; or

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

7           (2) DISCRETION TO REJECT A GIFT.—The Sec-  
8           retary may reject a gift under this subsection when  
9           the rejection is in the interest of the Government, as  
10          determined by the Secretary.

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

16 **SEC. 406. REPORT TO CONGRESS.**

17          (a) IN GENERAL.—Not later than January 31 of  
18          each year, the Secretary shall submit to Congress a report  
19          regarding the Fund and the status of desert fish in the  
20          Southwest.

21          (b) REQUIREMENTS.—Each report under subsection  
22          (a) shall include, for the year covered by the report, a de-  
23          scription of—

24                  (1) the total amounts deposited into and ex-  
25                  pended from the Fund;

1           (2) the costs associated with the administration  
2 of the Fund;

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

6           (4) an evaluation of the status of threatened  
7 and endangered desert fish populations in the South-  
8 west.

9 **SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

10         There is authorized to be appropriated to the Fund  
11 \$5,000,000 for each of fiscal years 2021 through 2026.

○