

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 terfly 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 MUS-**
5 **SEL CONSERVATION FUND**
6 **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.

○