

117TH CONGRESS  
1ST SESSION

# H. R. 3396

To create dedicated funds to conserve butterflies in North America, plants in the Pacific Islands, freshwater mussels in the United States, and desert fish in the Southwest United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

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

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## A BILL

To create dedicated funds to conserve butterflies in North America, plants in the Pacific Islands, freshwater mussels in the United States, and desert fish in the Southwest United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Extinction Prevention Act of 2021”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title.

TITLE I—NORTH AMERICA BUTTERFLY CONSERVATION ACT OF  
2021

Sec. 101. Short title.

Sec. 102. Purposes.

Sec. 103. Definitions.

Sec. 104. North America butterfly conservation assistance.

Sec. 105. North America Butterfly Conservation Fund.

Sec. 106. Authorization of appropriations.

Sec. 107. Report to congress.

TITLE II—PACIFIC ISLANDS PLANT CONSERVATION FUND ACT  
OF 2021

Sec. 201. Short title.

Sec. 202. Purposes.

Sec. 203. Definitions.

Sec. 204. Pacific islands plant conservation assistance.

Sec. 205. Pacific islands plant conservation fund.

Sec. 206. Authorization of appropriations.

Sec. 207. Report to congress.

TITLE III—FRESHWATER MUSSEL CONSERVATION FUND ACT OF  
2021

Sec. 301. Short title.

Sec. 302. Purposes.

Sec. 303. Definitions.

Sec. 304. Freshwater mussel conservation assistance.

Sec. 305. Freshwater Mussels Conservation Fund.

Sec. 306. Authorization of appropriations.

Sec. 307. Report to Congress.

TITLE IV—SOUTHWEST DESERT FISH CONSERVATION FUND ACT  
OF 2021

Sec. 401. Short title.

Sec. 402. Purposes.

Sec. 403. Definitions.

Sec. 404. Southwest desert fish conservation assistance.

Sec. 405. Southwest Desert Fish Conservation Fund.

Sec. 406. Authorization of appropriations.

Sec. 407. Report to Congress.

1 **TITLE I—NORTH AMERICA BUT-**  
2 **TERFLY CONSERVATION ACT**  
3 **OF 2021**

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

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

7 **SEC. 102. PURPOSES.**

8 The purposes of this title are—

9 (1) to perpetuate healthy populations of butter-  
10 flies in North America;

11 (2) to assist in the conservation of threatened  
12 and endangered butterflies by supporting conserva-  
13 tion initiatives in North America; and

14 (3) to provide financial resources and to foster  
15 international cooperation for those initiatives.

16 **SEC. 103. DEFINITIONS.**

17 In this title:

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

23 (A) protection, restoration, and manage-  
24 ment of habitats;

1 (B) onsite research and monitoring of pop-  
2 ulations, habitats, annual reproduction, and  
3 butterfly species population trends;

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

7 (D) enforcement and implementation of  
8 applicable conservation laws; and

9 (E) community outreach and education.

10 (2) FUND.—The term “Fund” means the  
11 North America Butterfly Conservation Fund estab-  
12 lished by section 105.

13 (3) BUTTERFLY.—The terms “butterfly” and  
14 “butterflies” mean any member of the order Lepi-  
15 doptera.

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

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

1 **SEC. 104. NORTH AMERICA BUTTERFLY CONSERVATION AS-**  
2 **SISTANCE.**

3 (a) ASSISTANCE.—

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

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

16 (b) PROJECT PROPOSALS.—

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

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

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

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

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

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

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

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

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

18 (C) a description of—

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

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

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

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

3 (v) anticipated outcomes; and

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

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

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

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

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

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

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

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

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

9           (c) PROJECT REVIEW AND APPROVAL.—

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

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

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

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

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



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

4 (C) provide written notification of the ap-  
5 proval or disapproval to the person that sub-  
6 mitted the project proposal, such other Federal  
7 officials, and each country described in sub-  
8 paragraph (A).

9 (d) CRITERIA FOR APPROVAL.—

10 (1) IN GENERAL.—The Secretary may approve  
11 a project proposal under this section if the project  
12 will help recover and sustain viable populations of  
13 butterflies in the wild by assisting efforts in North  
14 America to implement butterfly conservation pro-  
15 grams.

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

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

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

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

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

12 (e) PROJECT REPORTING.—

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

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

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

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

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

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

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

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

15 (b) EXPENDITURES FROM FUND.—

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

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

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

3 (c) INVESTMENT OF AMOUNTS.—

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

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

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

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

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

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

23 (d) TRANSFERS OF AMOUNTS.—

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

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

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

8 (e) ACCEPTANCE AND USE OF DONATIONS.—

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

12 (A) money;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 **SEC. 202. PURPOSES.**

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

15 **SEC. 203. DEFINITIONS.**

16 In this title:

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

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

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

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

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

6 (E) community outreach and education.

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

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

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

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

18 (a) ASSISTANCE.—

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



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

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

8 (b) PROJECT PROPOSALS.—

9 (1) ELIGIBLE APPLICANTS.—A project proposal  
10 may be submitted to the Secretary under this section  
11 by—

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

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

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

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

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

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

7           (C) a description of—

8           (i) the qualifications of the entity or  
9 individuals that will conduct the project;

10           (ii) methods for project implementa-  
11 tion and outcome assessment;

12           (iii) staffing and stakeholder engage-  
13 ment for the project;

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

16           (v) anticipated outcomes;

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

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

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

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

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

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

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

17 (c) PROJECT REVIEW AND APPROVAL.—

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

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

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

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

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

12 (B) provide written notification of the ap-  
13 proval or disapproval to the individual or entity  
14 that submitted the proposal, such other Federal  
15 officials, and each State described in subpara-  
16 graph (A).

17 (d) CRITERIA FOR APPROVAL.—

18 (1) IN GENERAL.—The Secretary may approve  
19 a project proposal under this section if the project  
20 will help recover and sustain viable populations of  
21 threatened and endangered plants by assisting ef-  
22 forts on the Pacific Islands to implement plant con-  
23 servation programs.

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

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

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

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

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

19 (e) PROJECT REPORTING.—

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

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

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

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

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

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

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

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

21 (b) EXPENDITURES FROM FUND.—

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

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

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

9 (c) INVESTMENT OF AMOUNTS.—

10 (1) IN GENERAL.—The Secretary of the Treas-  
11 ury shall invest such portion of the Fund as is not,  
12 in the judgment of the Secretary of the Treasury,  
13 required to meet current withdrawals. Investments  
14 may be made only in interest-bearing obligations of  
15 the United States.

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

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

20 (B) by purchase of outstanding obligations  
21 at market price.

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

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

5           (d) TRANSFERS OF AMOUNTS.—

6           (1) IN GENERAL.—The amounts required to be  
7           transferred to the Fund under this section shall be  
8           transferred at least monthly from the general fund  
9           of the Treasury to the Fund on the basis of esti-  
10          mates made by the Secretary of the Treasury.

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

15          (e) ACCEPTANCE AND USE OF DONATIONS.—

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

19                 (A) Money.

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **SEC. 302. PURPOSES.**

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

20 **SEC. 303. DEFINITIONS.**

21           In this title:

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

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

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

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

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

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

13              (E) community outreach and education.

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

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

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

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

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

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

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

11 (c) PROJECT PROPOSALS.—

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

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

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

23 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—  
24 A Federal agency may not be a lead entity or receive  
25 funding for a project under this section, but may be

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

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

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

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

9 (C) a description of—

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

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

14 (iii) staffing and stakeholder engage-  
15 ment for the project;

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

18 (v) anticipated outcomes;

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

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

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

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

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

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

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

17 (d) PROJECT REVIEW AND APPROVAL.—

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

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

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

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

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

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

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

21          (e) CRITERIA FOR APPROVAL.—

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

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

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

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

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

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

25 (f) PROJECT REPORTING.—



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

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

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

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

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

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

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

3           (b) EXPENDITURES FROM FUND.—

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

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

16           (c) INVESTMENT OF AMOUNTS.—

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

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

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

2 (B) by purchase of outstanding obligations

3 at market price.

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

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

11 (d) TRANSFERS OF AMOUNTS.—

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

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

21 (e) ACCEPTANCE AND USE OF DONATIONS.—

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

25 (A) Money.

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

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

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

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

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

18          There are authorized to be appropriated to the Sec-  
19          retary \$5,000,000 for each of fiscal years 2022 through  
20          2027 to carry out this title.

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

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

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

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

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

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

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

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

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

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

19 **SEC. 402. PURPOSES.**

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

1 **SEC. 403. DEFINITIONS.**

2 In this title:

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

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

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

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

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

18 (E) community outreach and education.

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

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

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

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

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

8           (a) ASSISTANCE.—

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

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

22           (b) PROJECT PROPOSALS.—

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

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

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

9 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

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

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

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

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

20 (C) a description of—

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

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



1 (iii) staffing and stakeholder engage-  
2 ment for the project;

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

5 (v) anticipated outcomes;

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

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

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

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

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

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

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

6 (c) PROJECT REVIEW AND APPROVAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (e) PROJECT REPORTING.—

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

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

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

2 (a) ESTABLISHMENT.—There is established in the  
3 Treasury a separate account, to be known as the “South-  
4 west Desert Fish Conservation Fund”, consisting of—

5 (1) amounts transferred to the Secretary of the  
6 Treasury for deposit into the Fund under subsection  
7 (e);

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

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

12 (b) EXPENDITURES FROM FUND.—

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

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

25 (c) INVESTMENT OF AMOUNTS.—

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

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

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

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

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

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

20           (d) TRANSFERS OF AMOUNTS.—

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

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

5           (e) ACCEPTANCE AND USE OF DONATIONS.—

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

9                   (A) Money.

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

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

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

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

1 **SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to the Sec-  
3 retary \$5,000,000 for each of fiscal years 2022 through  
4 2027 to carry out this title.

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

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

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

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

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

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

○