

117TH CONGRESS
1ST SESSION

S. 806

To amend title 23, United States Code, to require the Secretary of Transportation to establish a program to provide grants to carry out activities to benefit pollinators on roadsides and highway rights-of-way, including the planting and seeding of native, locally appropriate grasses and wildflowers, including milkweed, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, MARCH 16), 2021

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

A BILL

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Monarch and Polli-
3 nator Highway Act of 2021” or the “MPH Act of 2021”.

4 **SEC. 2. POLLINATOR-FRIENDLY PRACTICES ON ROADSIDES**
5 **AND HIGHWAY RIGHTS-OF-WAY.**

6 (a) IN GENERAL.—Chapter 3 of title 23, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 331. Pollinator-friendly practices on roadsides and**
10 **highway rights-of-way**

11 “(a) IN GENERAL.—The Secretary shall establish a
12 program to provide grants to eligible entities to carry out
13 activities to benefit pollinators on roadsides and highway
14 rights-of-way, including the planting and seeding of na-
15 tive, locally appropriate grasses and wildflowers, including
16 milkweed.

17 “(b) ELIGIBLE ENTITIES.—An entity eligible to re-
18 ceive a grant under this section is—

19 “(1) a State department of transportation;

20 “(2) an Indian tribe; or

21 “(3) a Federal land management agency.

22 “(c) APPLICATION.—To be eligible to receive a grant
23 under this section, an eligible entity shall submit to the
24 Secretary an application at such time, in such manner,
25 and containing such information as the Secretary may re-

1 quire, including a pollinator-friendly practices plan de-
 2 scribed in subsection (d).

3 “(d) POLLINATOR-FRIENDLY PRACTICES PLAN.—

4 “(1) IN GENERAL.—An eligible entity shall in-
 5 clude in the application under subsection (c) a plan
 6 that describes the pollinator-friendly practices that
 7 the eligible entity has implemented or plans to im-
 8 plement, including—

9 “(A) practices relating to mowing strate-
 10 gies that promote early successional vegetation
 11 and limit disturbance during periods of highest
 12 use by target pollinator species on roadsides
 13 and highway rights-of-way, such as—

14 “(i) reducing the mowing swath out-
 15 side of the State-designated safety zone;

16 “(ii) increasing the mowing height;

17 “(iii) reducing the mowing frequency;

18 “(iv) refraining from mowing monarch
 19 and other pollinator habitat during periods
 20 in which monarchs or other pollinators are
 21 present;

22 “(v) use of a flushing bar and cutting
 23 at reduced speeds to reduce pollinator
 24 deaths due to mowing; or

1 “(vi) reducing raking along roadsides
2 and highway rights-of-way;

3 “(B) implementation of an integrated vege-
4 tation management plan that includes ap-
5 proaches such as mechanical tree and brush re-
6 moval, targeted and judicious use of herbicides,
7 and mowing, to address weed issues on road-
8 sides and highway rights-of-way;

9 “(C) planting or seeding of native, locally
10 appropriate grasses and wildflowers, including
11 milkweed, on roadsides and highway rights-of-
12 way to enhance pollinator habitat, including lar-
13 val host plants;

14 “(D) removing nonnative grasses from
15 planting and seeding mixes, except for use as
16 nurse or cover crops;

17 “(E) obtaining expert training or assist-
18 ance on pollinator-friendly practices, includ-
19 ing—

20 “(i) native plant identification;

21 “(ii) establishment and management
22 of locally appropriate native plants that
23 benefit pollinators;

24 “(iii) land management practices that
25 benefit pollinators; and

1 “(iv) pollinator-focused integrated
2 vegetation management; or

3 “(F) any other pollinator-friendly practices
4 the Secretary determines to be appropriate.

5 “(2) COORDINATION.—In developing a plan
6 under paragraph (1), an eligible entity that is a
7 State department of transportation or a Federal
8 land management agency shall coordinate with appli-
9 cable State agencies, including State agencies with
10 jurisdiction over agriculture and fish and wildlife.

11 “(3) CONSULTATION.—In developing a plan
12 under paragraph (1)—

13 “(A) an eligible entity that is a State de-
14 partment of transportation or a Federal land
15 management agency shall consult with affected
16 or interested Indian tribes; and

17 “(B) any eligible entity may consult with
18 nonprofit organizations, institutions of higher
19 education, metropolitan planning organizations,
20 and any other relevant entities.

21 “(e) AWARD OF GRANTS.—

22 “(1) IN GENERAL.—The Secretary shall provide
23 a grant to each eligible entity that submits an appli-
24 cation under subsection (c), including a plan under

1 subsection (d), that the Secretary determines to be
2 satisfactory.

3 “(2) AMOUNT OF GRANTS.—The amount of a
4 grant under this section—

5 “(A) shall be based on the number of polli-
6 nator-friendly practices the eligible entity has
7 implemented or plans to implement; and

8 “(B) shall not exceed \$150,000.

9 “(f) USE OF FUNDS.—An eligible entity that receives
10 a grant under this section shall use the funds for the im-
11 plementation, improvement, or further development of the
12 plan under subsection (d).

13 “(g) FEDERAL SHARE.—The Federal share of the
14 cost of an activity carried out with a grant under this sec-
15 tion shall be 100 percent.

16 “(h) BEST PRACTICES.—The Secretary shall develop
17 and make available to eligible entities best practices for,
18 and a priority ranking of, pollinator-friendly practices on
19 roadsides and highway rights-of-way.

20 “(i) TECHNICAL ASSISTANCE.—On request of an eli-
21 gible entity that receives a grant under this section, the
22 Secretary shall provide technical assistance with the imple-
23 mentation, improvement, or further development of a plan
24 under subsection (d).

1 “(j) ADMINISTRATIVE COSTS.—For each fiscal year,
 2 the Secretary may use not more than 2 percent of the
 3 amounts made available to carry out this section for the
 4 administrative costs of carrying out this section.

5 “(k) REPORT.—Not later than 1 year after the date
 6 on which the first grant is provided under this section,
 7 the Secretary shall submit to the Committee on Environ-
 8 ment and Public Works of the Senate and the Committee
 9 on Transportation and Infrastructure of the House of
 10 Representatives a report on the implementation of the pro-
 11 gram under this section.

12 “(l) AUTHORIZATION OF APPROPRIATIONS.—

13 “(1) IN GENERAL.—There is authorized to be
 14 appropriated to carry out this section \$5,000,000 for
 15 each of fiscal years 2022 through 2028.

16 “(2) AVAILABILITY.—Amounts made available
 17 under this section shall remain available for a period
 18 of 3 years after the last day of the fiscal year for
 19 which the funds are authorized.”.

20 “(b) CLERICAL AMENDMENT.—The analysis for chap-
 21 ter 3 of title 23, United States Code, is amended by add-
 22 ing at the end the following:

“331. Pollinator-friendly practices on roadsides and highway rights-of-way.”.

