

117TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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.

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IN THE SENATE OF THE UNITED STATES

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 \_\_\_\_\_

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**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.”.