AMENDMENT TO RULES COMMITTEE
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OFFERED BY MR. CARBAJAL OF CALIFORNIA

At the end of subtitle C of title I of division B of the bill, add the following:

SEC. 1313. POLLINATOR-FRIENDLY PRACTICES ON ROAD-SIDES AND HIGHWAY RIGHTS-OF-WAY.

(a) In General.—Section 329 of title 23, United States Code, is amended by adding at the end the following:

“(d) POLLINATOR-FRIENDLY PRACTICES ON ROAD-SIDES AND HIGHWAY RIGHTS-OF-WAY.—

“(1) In General.—The Secretary shall establish a program to provide grants to eligible entities to carry out activities to benefit pollinators on road-sides and highway rights-of-way, including the planting and seeding of native locally-appropriate grasses and wildflowers, including milkweed.

“(2) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this subsection is—

“(A) a State department of transportation;

“(B) an Indian tribe or tribal organization;

“(C) a territory; or
“(D) a Federal land management agency.

“(3) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a pollinator-friendly practices plan described in paragraph (4).

“(4) POLLINATOR-FRIENDLY PRACTICES PLAN.—

“(A) IN GENERAL.—An eligible entity shall include in the application under paragraph (3) a plan that describes the pollinator-friendly practices that the eligible entity has implemented or plans to implement, including—

“(i) practices relating to mowing strategies that promote early successional vegetation and limit disturbance during periods of highest use by target pollinator species on roadsides and highway rights-of-way, such as—

“(I) reducing the mowing swath outside of the State-designated safety zone;

“(II) increasing the mowing height;
“(III) reducing the mowing frequency;

“(IV) refraining from mowing monarch and other pollinator habitat during periods in which monarchs or other pollinators are present;

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

“(VI) reducing raking along roadsides and highway rights-of-way;

“(ii) implementation of an integrated vegetation management plan that includes approaches such as mechanical tree and brush removal, targeted and judicious use of herbicides, and mowing, to address weed issues on roadsides and highway rights-of-way;

“(iii) planting or seeding of native, locally-appropriate grasses and wildflowers, including milkweed, on roadsides and highway rights-of-way to enhance pollinator habitat, including larval host plants;
“(iv) removing nonnative grasses from planting and seeding mixes, except for use as nurse or cover crops;

“(v) obtaining expert training or assistance on pollinator-friendly practices, including—

“(I) native plant identification;

“(II) establishment and management of locally-appropriate or native plants that benefit pollinators;

“(III) land management practices that benefit pollinators; and

“(IV) pollinator-focused integrated vegetation management; or

“(vi) any other pollinator-friendly or vegetation management practices the Secretary determines to be appropriate.

“(B) CONSIDERATION.—In developing the plan under subparagraph (A), the eligible entity shall consider other vegetation management best management practices established by the Secretary, including—

“(i) fuel breaks for the prevention and control of wildfires;
“(ii) abating stormwater runoff and stabilizing soil;

“(iii) habitat for forage for native fauna; and

“(iv) the economy of maintenance of the right-of-way.

“(C) COORDINATION.—In developing a plan under subparagraph (A), an eligible entity that is a State department of transportation or a Federal land management agency shall co-coordinate with applicable State agencies, including State agencies with jurisdiction over agriculture and fish and wildlife.

“(D) CONSULTATION.—In developing a plan under subparagraph (A)—

“(i) an eligible entity that is a State department of transportation or a Federal land management agency shall consult with any affected Indian tribes or tribal organizations; and

“(ii) any eligible entity may consult with nonprofit organizations, institutions of higher education, units of local government, or any other relevant entities.

“(5) AWARD OF GRANTS.—
“(A) IN GENERAL.—The Secretary shall provide a grant to each eligible entity that submits an application under paragraph (3), including a plan under paragraph (4), that the Secretary determines to be satisfactory.

“(B) AMOUNT OF GRANTS.—The amount of each grant provided under this subsection may not exceed $150,000.

“(6) USE OF FUNDS.—An eligible entity that receives a grant under this subsection shall use the funds for the implementation, improvement, or further development of the plan under paragraph (4).

“(7) FEDERAL SHARE.—The Federal share of the cost of an activity carried out with a grant under this subsection shall be up to 80 percent.

“(8) TECHNICAL ASSISTANCE.—On request of an eligible entity that receives a grant under this subsection, the Secretary may provide technical assistance with the implementation, improvement, or further development of a plan under paragraph (4).

“(9) ADMINISTRATIVE COSTS.—For each fiscal year, the Secretary may use not more than 5 percent of the amounts made available to carry out this subsection for the administrative costs of carrying out this subsection.
“(10) Authorization of Appropriations.—

“(A) In general.—There is authorized to be appropriated from the general fund of the Treasury to carry out this subsection $2,000,000 for each of fiscal years 2023 through 2026.

“(B) Availability.—Amounts made available under this subsection shall remain available as described under section 118(b).

“(e) Best Practices and Guidance.—

“(1) In general.—Not later than 1 year after the date of enactment of the INVEST in America Act, and periodically thereafter, the Secretary shall develop or update best practices for, and a priority ranking of, pollinator-friendly practices on roadsides and highway rights-of-way.

“(2) Guidance.—The Secretary shall provide guidance on sources of funds made available under this title that are eligible for activities described under this section, including any best management practices identified under paragraph (1) that are eligible for funding under this title.”.

(b) Report.—Not later than 2 years after the date on which the first grant is provided under section 329(d) of title 23, United States Code, as added by this Act, the
Secretary shall publish a report on the implementation of the program under such section.