

119TH CONGRESS  
2D SESSION

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

To amend title 23, United States Code, to improve and reauthorize the pollinator-friendly practices on roadside highways and rights-of-way program, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. MERKLEY (for himself and Mr. ROUNDS) introduced the following bill;  
which was read twice and referred to the Committee on

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**A BILL**

To amend title 23, United States Code, to improve and reauthorize the pollinator-friendly practices on roadside highways and rights-of-way program, 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 This Act may be cited as the “Roadside Pollinator  
5 Program Amendments Act”.

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

3 Section 332 of title 23, United States Code, is  
4 amended—

5 (1) in subsection (b)—

6 (A) in paragraph (2), by striking “; or”  
7 and inserting “included on the list published by  
8 the Secretary of the Interior under section 104  
9 of the Federally Recognized Indian Tribe List  
10 Act of 1994 (25 U.S.C. 5131);”;

11 (B) in paragraph (3), by striking the pe-  
12 riod at the end and inserting “; or”; and

13 (C) by adding at the end the following:

14 “(4) a nonprofit organization that is—

15 “(A) described in section 501(c)(3) of the  
16 Internal Revenue Code of 1986; and

17 “(B) exempt from taxation under section  
18 501(a) of that Code.”; and

19 (2) in subsection (d)—

20 (A) in paragraph (1)(F), by inserting  
21 “after consultation with the Director of the  
22 United States Fish and Wildlife Service” before  
23 the period at the end;

24 (B) in paragraph (2), by striking “that is  
25 a State department of transportation or a Fed-  
26 eral land management agency” and inserting

1 “described in paragraph (1), (3), or (4) of sub-  
2 section (b)”;

3 (C) in paragraph (3)—

4 (i) by redesignating subparagraphs  
5 (A) and (B) as clauses (i) and (ii), respec-  
6 tively, and indenting appropriately;

7 (ii) in the matter preceding clause (i)  
8 (as so redesignated), by striking “In devel-  
9 oping” and inserting the following:

10 “(A) IN GENERAL.—In developing”;

11 (iii) in subparagraph (A) (as so redes-  
12 ignated)—

13 (I) in clause (i) (as so redesign-  
14 ated)—

15 (aa) by striking “that is a  
16 State department of transpor-  
17 tation or a Federal land manage-  
18 ment agency” and inserting “de-  
19 scribed in paragraph (1), (3), or  
20 (4) of subsection (b)”;

21 (bb) by striking “affected or  
22 interested Indian Tribes” and in-  
23 serting “Indian Tribes described  
24 in subsection (b)(2), the Tribal  
25 land of which is located 50 miles

1 or less from a project or practice  
2 proposed to be included in the  
3 plan”;

4 (II) in clause (ii) (as so redesign-  
5 nated), by striking “any eligible enti-  
6 ty” and inserting “an eligible entity  
7 described in paragraph (1), (2), or (3)  
8 of subsection (b)”;

9 (iv) by adding at the end the fol-  
10 lowing:

11 “(B) CLARIFICATION.—Nothing in this  
12 paragraph requires additional consultation be-  
13 yond consultation during the development of a  
14 plan under paragraph (1).”;

15 (3) in subsection (e)(2)(B), by striking  
16 “\$150,000” and inserting “\$500,000”; and

17 (4) in subsection (l)(1), by striking  
18 “\$2,000,000 for each of fiscal years 2022 through  
19 2026” and inserting “\$5,000,000 for each of fiscal  
20 years 2026 through 2031”.