

117TH CONGRESS  
1ST SESSION

# S. 809

To encourage and facilitate efforts by States and other stakeholders to conserve and sustain the western population of monarch butterflies, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 17 (legislative day, MARCH 16), 2021

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

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# A BILL

To encourage and facilitate efforts by States and other stakeholders to conserve and sustain the western population of monarch butterflies, 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 “Monarch Action, Re-  
5 covery, and Conservation of Habitat Act of 2021” or the  
6 “MONARCH Act of 2021”.

7 **SEC. 2. FINDINGS.**

8       Congress finds that—

1                         (1) the population of western monarch butter-  
2                         flies is at imminent risk of extinction;

3                         (2) over the past 3 decades, the population of  
4                         western monarch butterflies has declined by more  
5                         than 99 percent due to prolonged drought, loss of  
6                         milkweed and native pollinator habitat, loss of breed-  
7                         ing and overwintering habitat, and climate change;

8                         (3) in 2020, the population of western monarch  
9                         butterflies reached a new historic low of 1,914 but-  
10                         terflies, falling below the predicted extinction thresh-  
11                         old for the third year in a row;

12                         (4) the extinction of the population of migra-  
13                         tory western monarch butterflies is now likely to  
14                         occur within the next 2 decades if urgent action is  
15                         not taken;

16                         (5) actively restoring native milkweed and nec-  
17                         tar plants, monarch overwintering habitat, and other  
18                         pollinator habitat, and ensuring that key habitats  
19                         are protected from destruction, are critical to ensur-  
20                         ing the survival of western monarch butterflies and  
21                         can also help facilitate conservation of other essen-  
22                         tial pollinators; and

23                         (6) enhancing pollinator populations can result  
24                         in improved pollination services for neighboring land,  
25                         including agriculture and wildlife ecosystems.

1   **SEC. 3. DEFINITIONS.**

2       In this Act:

3           (1) CONSERVATION.—The term “conservation”  
4       means the use of each method or procedure nec-  
5       essary to protect habitats of western monarch but-  
6       terflies, including—

7              (A) the protection, restoration, and man-  
8       agement of overwintering, breeding, and migra-  
9       tory habitats;

10             (B) assistance in the development and im-  
11       plementation of national, regional, State, and  
12       local conservation and management plans; and

13             (C) community outreach and education.

14           (2) FUND.—The term “Fund” means the West-  
15       ern Monarch Butterfly Rescue Fund established by  
16       section 5(a).

17           (3) SECRETARY.—The term “Secretary” means  
18       the Secretary of the Interior.

19           (4) WESTERN MONARCH BUTTERFLY.—The  
20       term “western monarch butterfly” means the mon-  
21       arch butterfly population that overwinters along the  
22       coast of the State of California and breeds across  
23       the States of California, Arizona, Nevada, Wash-  
24       ington, Oregon, Idaho, and Utah.

1   **SEC. 4. WESTERN MONARCH BUTTERFLY CONSERVATION**

2                   **GRANT PROGRAM.**

3         (a) IN GENERAL.—Subject to the availability of  
4 funds and in consultation with other relevant Federal  
5 agencies, the Secretary shall use amounts in the Fund to  
6 provide grants for projects for the conservation of western  
7 monarch butterflies for which project proposals are ap-  
8 proved by the Secretary in accordance with this section.

9         (b) PROJECT PROPOSALS.—

10                 (1) ELIGIBLE ENTITIES.—An entity that is eli-  
11 gible to receive a grant for a project under this sec-  
12 tion is—

13                 (A) a relevant local or Tribal government  
14 agency, research institution, or nonprofit orga-  
15 nization with expertise required for the con-  
16 servation of western monarch butterflies; and

17                 (B) any other entity, as determined appro-  
18 priate by the Secretary, with the expertise re-  
19 quired for the conservation of western monarch  
20 butterflies.

21                 (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

22         A State or Federal agency—

23                 (A) may not be a lead entity or receive a  
24 grant for a project under this section; but

(B) may be included as a partner or collaborator on a project that receives a grant under this section.

(3) REQUIRED ELEMENTS.—A proposal for a project under this section shall include—

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

10 (C) a description of—

11 (i) the qualifications of the entity that  
12 will conduct the project;

15 (iii) anticipated outcomes;

(E) assurances that the conservation efforts outlined in the proposal do not conflict with food safety measures or practices;

24 (F) information that demonstrates the  
25 clear potential of the project to contribute to

1           the conservation and recovery of western mon-  
2           arch butterflies; and

3           (G) such other information as the Sec-  
4           retary may require.

5        (c) PROJECT REVIEW AND APPROVAL.—The Sec-  
6           retary shall annually—

7           (1) solicit project proposals for funding under  
8           this section; and

9           (2) review each proposal described in paragraph  
10          (1) on a timeline that recognizes the urgency of the  
11          declining number of western monarch butterflies to  
12          determine whether the proposal meets the criteria  
13          specified in subsection (d).

14        (d) CRITERIA FOR APPROVAL.—The Secretary may  
15          approve a project proposal under this section if the pro-  
16          posal demonstrates a likelihood that the project will con-  
17          tribute to the conservation of western monarch butterfly  
18          populations in the wild.

19        (e) TECHNICAL ASSISTANCE.—The Secretary shall  
20          provide technical assistance for a project that receives a  
21          grant under this section.

22        (f) PROJECT REPORTING.—

23           (1) IN GENERAL.—Each entity that receives a  
24          grant for a project under this section shall submit  
25          to the Secretary, at such intervals as the Secretary

1 may require, reports that include any information  
2 that the Secretary determines is necessary to evalu-  
3 ate the progress and success of the project for the  
4 purposes of ensuring positive results, assessing prob-  
5 lems, and fostering improvements.

6                 (2) AVAILABILITY TO STATE LEGISLATURES.—  
7     Each entity that receives a grant for a project under  
8     this section shall submit each report under para-  
9     graph (1) to the State legislature of the State in  
10    which the project is conducted.

11                 (3) AVAILABILITY TO THE PUBLIC.—The Sec-  
12     retary shall make available to the public, in a timely  
13     manner—

14                     (A) each report submitted under para-  
15                     graph (1); and

16                     (B) any other documents relating to  
17                     projects for which a grant is provided under  
18                     this section.

19 **SEC. 5. WESTERN MONARCH BUTTERFLY RESCUE FUND.**

20                 (a) ESTABLISHMENT.—There is established in the  
21     Treasury of the United States a fund, to be known as the  
22     “Western Monarch Butterfly Rescue Fund”.

23                 (b) ADMINISTRATIVE EXPENSES.—Of the amounts  
24     available in the Fund for each fiscal year, the Secretary

1 may expend not more than 3 percent to pay the adminis-  
2 trative expenses necessary to carry out this Act.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
4 authorized to be appropriated to the Fund \$12,500,000  
5 for each of fiscal years 2022 through 2026.

6 **SEC. 6. IMPLEMENTATION OF THE WESTERN MONARCH**

7 **BUTTERFLY CONSERVATION PLAN.**

8 (a) IN GENERAL.—The Secretary shall enter into an  
9 agreement with the National Fish and Wildlife Founda-  
10 tion pursuant to the National Fish and Wildlife Founda-  
11 tion Establishment Act (16 U.S.C. 3701 et seq.) to facili-  
12 tate the implementation of the Western Monarch Butterfly  
13 Conservation Plan prepared by the Western Association  
14 of Fish and Wildlife Agencies and dated January 2019.

15 (b) ADMINISTRATION.—Section 10(a) of the National  
16 Fish and Wildlife Foundation Establishment Act (16  
17 U.S.C. 3709(a)) shall not apply with respect to—

18 (1) the agreement entered into under subsection  
19 (a); or  
20 (2) amounts made available to carry out this  
21 section.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated to the Secretary  
24 \$12,500,000 for each of fiscal years 2022 through 2026  
25 to carry out this section.

1   **SEC. 7. REPORT TO CONGRESS.**

2       Not later than January 31 of each year, the Sec-  
3   retary shall submit to Congress a report describing the  
4   status of western monarch butterflies, including, with re-  
5   spect to the year for which the report is submitted—

6           (1) a summary of the projects for which the  
7   Secretary has provided funding under section 4 and  
8   an evaluation of those projects; and

9           (2) a summary of the projects for which the  
10   Secretary has provided funding through the Western  
11   Monarch Butterfly Conservation Plan prepared by  
12   the Western Association of Fish and Wildlife Agen-  
13   cies and dated January 2019.

