

118TH CONGRESS  
1ST SESSION

# S. 857

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 16, 2023

Mr. MERKLEY (for himself, Ms. DUCKWORTH, Mr. BOOKER, Mr. PADILLA, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mr. LUJÁN, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. HEINRICH) 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 2023” or the  
6 “MONARCH Act of 2023”.

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 and other pollinators within the range of  
7 western monarch butterflies, including—

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

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

15 (C) community outreach and education.

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

19 (3) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21 (4) TRIBAL GOVERNMENT.—The term “Tribal  
22 government” means the governing body of a feder-  
23 ally recognized Indian Tribe.

24 (5) WESTERN MONARCH BUTTERFLY.—The  
25 term “western monarch butterfly” means the mon-  
26 arch butterfly population that overwinters along the

1 coast of the State of California and breeds across  
2 the States of California, Arizona, Nevada, Wash-  
3 ington, Oregon, Idaho, and Utah.

4 **SEC. 4. WESTERN MONARCH BUTTERFLY CONSERVATION**  
5 **GRANT PROGRAM.**

6 (a) IN GENERAL.—Subject to the availability of  
7 funds and in consultation with other relevant Federal  
8 agencies, amounts deposited in the Fund shall be available  
9 to the Secretary to provide grants for projects for the con-  
10 servation of western monarch butterflies, and other polli-  
11 nators within the range of western monarch butterflies,  
12 for which project proposals are approved by the Secretary  
13 in accordance with this section.

14 (b) PROJECT PROPOSALS.—

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

18 (A) a relevant local government or Tribal  
19 government agency, research institution, or  
20 nonprofit organization with expertise required  
21 for the conservation of western monarch butter-  
22 flies and other pollinators within the range of  
23 western monarch butterflies; and

24 (B) any other entity, as determined appro-  
25 priate by the Secretary, with the expertise re-

1           required for the conservation of western monarch  
2           butterflies and other pollinators within the  
3           range of western monarch butterflies.

4           (2) FEDERAL PARTNERSHIP OPPORTUNITIES.—

5           A State or Federal agency—

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

8                   (B) may be included as a partner or col-  
9                   laborator on a project that receives a grant  
10                  under this section.

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

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

15                  (B) the name of the entity with overall re-  
16                  sponsibility for the project;

17                  (C) a description of—

18                          (i) the qualifications of the entity that  
19                          will conduct the project;

20                          (ii) methods for project implementa-  
21                          tion and outcome assessment; and

22                          (iii) anticipated outcomes;

23                  (D) assurances that the project will be im-  
24                  plemented in consultation with relevant wildlife  
25                  management authorities, Indian Tribes, and

1 other appropriate local government, State gov-  
2 ernment, and Federal Government agencies;

3 (E) assurances that the conservation ef-  
4 forts outlined in the proposal do not conflict  
5 with food safety measures or practices;

6 (F) information that demonstrates the  
7 clear potential of the project to contribute to  
8 the conservation and recovery of western mon-  
9 arch butterflies and other pollinators within the  
10 range of western monarch butterflies; and

11 (G) such other information as the Sec-  
12 retary may require.

13 (c) PROJECT REVIEW AND APPROVAL.—The Sec-  
14 retary shall annually—

15 (1) solicit project proposals for funding under  
16 this section; and

17 (2) review each proposal described in paragraph  
18 (1) on a timeline that recognizes the urgency of the  
19 declining number of western monarch butterflies and  
20 other pollinators within the range of western mon-  
21 arch butterflies to determine whether the proposal  
22 meets the criteria specified in subsection (d).

23 (d) CRITERIA FOR APPROVAL.—The Secretary may  
24 approve a project proposal under this section if the pro-  
25 posal demonstrates a likelihood that the project will con-

1 tribute to the conservation of western monarch butterfly  
2 populations in the wild.

3 (e) TECHNICAL ASSISTANCE.—The Secretary shall  
4 provide technical assistance for a project that receives a  
5 grant under this section.

6 (f) PROJECT REPORTING.—

7 (1) IN GENERAL.—Each entity that receives a  
8 grant for a project under this section shall submit  
9 to the Secretary, at such intervals as the Secretary  
10 may require, reports that include any information  
11 that the Secretary determines is necessary to evalu-  
12 ate the progress and success of the project for the  
13 purposes of ensuring positive results, assessing prob-  
14 lems, and fostering improvements.

15 (2) AVAILABILITY TO STATE LEGISLATURES.—  
16 At the request of the Governor of the State in which  
17 a project is conducted, each entity that receives a  
18 grant for a project under this section shall submit  
19 each report under paragraph (1) to the State legisla-  
20 ture of that State.

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

24 (A) each report submitted under para-  
25 graph (1); and

1 (B) any other documents relating to  
2 projects for which a grant is provided under  
3 this section.

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

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

8 (b) ADMINISTRATIVE EXPENSES.—Of the amounts  
9 available in the Fund for each fiscal year, the Secretary  
10 may expend not more than 3 percent to pay the adminis-  
11 trative expenses necessary to carry out this Act.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
13 authorized to be appropriated for deposit into the Fund  
14 \$12,500,000 for each of fiscal years 2023 through 2027,  
15 to remain available until expended.

16 **SEC. 6. IMPLEMENTATION OF THE WESTERN MONARCH**  
17 **BUTTERFLY CONSERVATION PLAN.**

18 (a) IN GENERAL.—The Secretary shall enter into an  
19 agreement with the National Fish and Wildlife Founda-  
20 tion pursuant to the National Fish and Wildlife Founda-  
21 tion Establishment Act (16 U.S.C. 3701 et seq.) to facili-  
22 tate updating and implementing the Western Monarch  
23 Butterfly Conservation Plan prepared by the Western As-  
24 sociation of Fish and Wildlife Agencies and dated January  
25 2019.



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

4 (1) the agreement entered into under subsection  
5 (a); or

6 (2) amounts made available to carry out this  
7 section.

8 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
9 authorized to be appropriated to the Secretary to carry  
10 out this section \$12,500,000 for each of fiscal years 2023  
11 through 2027.

12 **SEC. 7. REPORT TO CONGRESS.**

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

17 (1) a summary of the projects for which the  
18 Secretary has provided funding under section 4 and  
19 an evaluation of those projects; and

20 (2) a summary of the projects for which the  
21 Secretary has provided funding through the Western  
22 Monarch Butterfly Conservation Plan prepared by  
23 the Western Association of Fish and Wildlife Agen-  
24 cies and dated January 2019.