

117TH CONGRESS
1ST SESSION

H. R. 4458

To establish a grant program within the National Oceanic and Atmospheric Administration to award grants to eligible entities for the purpose of carrying out projects on the conservation, restoration, or management of kelp forest ecosystems.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Mr. HUFFMAN (for himself, Ms. BARRAGÁN, Mr. LIEU, Ms. LEE of California, Mr. CLEAVER, Mr. PANETTA, Mr. LOWENTHAL, Mr. DEFAZIO, Ms. BONAMICI, and Ms. NORTON) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish a grant program within the National Oceanic and Atmospheric Administration to award grants to eligible entities for the purpose of carrying out projects on the conservation, restoration, or management of kelp forest ecosystems.

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 “Keeping Ecosystems
5 Living and Productive Act” or the “KELP Act”.

1 **SEC. 2. GRANTS FOR CONSERVING, RECOVERING, AND**
2 **MAINTAINING KELP FOREST ECOSYSTEMS.**

3 (a) **ESTABLISHMENT.**—The Administrator of the Na-
4 tional Oceanic and Atmospheric Administration shall es-
5 tablish a grant program (in this section referred to as the
6 “Program”) under which the Administrator shall award
7 grants to eligible entities described in subsection (b) to
8 carry out projects relating to the conservation, restoration,
9 or management of kelp forest ecosystems.

10 (b) **ELIGIBLE ENTITY.**—To be eligible for a grant
11 under this section, an entity shall—

12 (1) be a member of the fishing industry, an
13 academic community, a relevant nonprofit organiza-
14 tion, a federally recognized Indian Tribe, or a rel-
15 evant State agency;

16 (2) propose or be conducting a project relating
17 to the conservation, restoration, or management of
18 kelp forest ecosystems developed through consulta-
19 tion with any of the other entities described in para-
20 graph (1); and

21 (3) submit to the Administrator an application
22 describing such project at such time, in such man-
23 ner, and containing such information as the Admin-
24 istrator may require, including information about
25 what criteria will be used to monitor and evaluate
26 the effectiveness of the project.

1 (c) ELIGIBLE PROJECTS.—The Administrator shall
2 award grants to eligible entities for projects that—

3 (1) address greatest relative regional declines in
4 kelp forest ecosystems;

5 (2) focus on—

6 (A) long term ecosystem resilience;

7 (B) long term socioeconomic resilience;

8 (C) kelp forest seeding and connectivity;

9 (D) urchin removal and predator control
10 efforts;

11 (E) monitoring and assessment of kelp for-
12 est ecosystems; or

13 (F) other efforts to restore kelp forest eco-
14 systems and prevent large scale losses of kelp
15 forests; or

16 (3) are identified by Federal or State restora-
17 tion and management plans as focal areas for recov-
18 ery of kelp forests and associated species.

19 (d) MATCHING REQUIREMENT.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), the total amount of Federal funding re-
22 ceived under the Program by an eligible entity may
23 not exceed 85 percent of the total cost of the project
24 for which a grant is awarded. For the purposes of
25 this subparagraph, the non-Federal share of project

1 costs may be provided by in-kind contributions and
2 other noncash support.

3 (2) WAIVER.—The Administrator may waive all
4 or part of the requirement in paragraph (1) if the
5 Administrator determines that no reasonable means
6 are available through which an eligible entity apply-
7 ing for a grant under this section can meet such re-
8 quirement and the probable benefit of such project
9 outweighs the public interest in such requirement.

10 (e) DEFINITIONS.—In this section—

11 (1) the term “academic community” means fac-
12 ulty, researchers, professors, and representatives of
13 State-accredited colleges and universities;

14 (2) the term “fishing industry” means proc-
15 essors, commercial fishermen, and recreational fish-
16 ermen;

17 (3) the term “kelp forest ecosystem” means a
18 naturally occurring, biotic system dominated by can-
19 opy forming benthic macroalgae and associated taxa;
20 and

21 (4) the term “nonprofit organization” means an
22 organization described in section 501(c)(3) of the
23 Internal Revenue Code of 1986 and exempt from tax
24 under section 501(a) of such Code.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Administrator
3 \$50,000,000 for each of the fiscal years 2022 through
4 2026 to carry out this section.

5 **SEC. 3. SENSE OF CONGRESS.**

6 It is the sense of Congress that the purposes of this
7 Act and the grants authorized by section 2 are to support
8 wild kelp forest ecosystems and restoration of wild kelp
9 to enable long term recovery of naturally functioning kelp
10 forest ecosystems that do not involve commercial or
11 mechanized harvesting.

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