

# Union Calendar No. 415

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4458

[Report No. 117-574]

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.

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## 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

NOVEMBER 16, 2022

Additional sponsors: Mr. PETERS, Ms. JAYAPAL, Ms. DELBENE, and Mr. KILMER

NOVEMBER 16, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on July 16, 2021]

# **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 Liv-*  
5 *ing and Productive Act” or the “KELP Act”.*

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

8        (a) *ESTABLISHMENT.*—*The Administrator shall estab-*  
9 *lish a grant program under which the Administrator shall*  
10 *award grants to eligible entities described in subsection (b)*  
11 *to carry out projects relating to the conservation, restora-*  
12 *tion, or management of kelp forest ecosystems.*

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

15            (1) *be a member of the fishing industry, an in-*  
16 *stitution of higher education, a nonprofit organiza-*  
17 *tion, an Indian Tribe, or a State agency;*

18            (2) *propose or be conducting a project relating to*  
19 *the conservation, restoration, or management of kelp*  
20 *forest ecosystems developed through consultation with*  
21 *any of the other entities described in paragraph (1);*  
22 *and*

23            (3) *submit to the Administrator an application*  
24 *describing such project at such time, in such manner,*  
25 *and containing such information as the Adminis-*

1 *trator may require, including information about what*  
2 *criteria will be used to monitor and evaluate the effec-*  
3 *tiveness of the project and the qualifications of the ap-*  
4 *plicant to conduct, monitor, and evaluate the project.*

5 *(c) ELIGIBLE PROJECTS.—The Administrator shall*  
6 *award grants to eligible entities for projects that—*

7 *(1) address greatest relative regional declines in*  
8 *kelp forest ecosystems;*

9 *(2) focus on elements such as—*

10 *(A) long term ecosystem resilience;*

11 *(B) long term socioeconomic resilience;*

12 *(C) kelp forest seeding and connectivity;*

13 *(D) re-establishing trophic structure to sup-*  
14 *port resilience through actions such as targeted*  
15 *urchin removal and predator control efforts;*

16 *(E) monitoring and assessment of kelp for-*  
17 *est ecosystems; or*

18 *(F) other efforts to restore kelp forest eco-*  
19 *systems and prevent large scale losses of kelp for-*  
20 *ests; or*

21 *(3) are identified by Federal or State restoration*  
22 *and management plans as focal areas for recovery of*  
23 *kelp forests and associated species.*

24 *(d) MATCHING REQUIREMENT.—*

1           (1) *IN GENERAL.*—*Except as provided in para-*  
2 *graph (2), the amount of Federal funding received as*  
3 *a grant under this section by an eligible entity may*  
4 *not exceed 85 percent of the total cost of the project*  
5 *for which a grant is awarded. For the purposes of this*  
6 *subparagraph, the non-Federal share of project costs*  
7 *may be provided by in-kind contributions and other*  
8 *noncash support.*

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

16 *(e) DEFINITIONS.*—*In this section—*

17           (1) *the term “Administrator” means the Sec-*  
18 *retary of Commerce acting through the Administrator*  
19 *of the National Oceanic and Atmospheric Administra-*  
20 *tion.*

21           (2) *the term “fishing industry” means proc-*  
22 *essors, commercial fishermen, and recreational fisher-*  
23 *men;*

24           (3) *the term “Indian Tribe” has the meaning*  
25 *given such term in section 4 of the Indian Self-Deter-*

1 *mination and Education Assistance Act (25 U.S.C.*  
2 *5304);*

3 *(4) the term “institution of higher education”*  
4 *has the meaning given such term in section 101(a) of*  
5 *the Higher Education Act of 1965 (20 U.S.C.*  
6 *1001(a));*

7 *(5) the term “kelp forest ecosystem” means a*  
8 *naturally occurring, biotic system dominated by can-*  
9 *opy-forming, stipitate, or prostrate benthic*  
10 *macroalgae and associated taxa; and*

11 *(6) the term “nonprofit organization” means an*  
12 *organization described in section 501(c)(3) of the In-*  
13 *ternal Revenue Code of 1986 and exempt from tax*  
14 *under section 501(a) of such Code.*

15 **SEC. 3. SENSE OF CONGRESS.**

16 *It is the sense of Congress that the purposes of this*  
17 *Act and the grants authorized by section 2 are to support*  
18 *native wild kelp forest ecosystems and restoration of native*  
19 *wild kelp to enable long term recovery of naturally func-*  
20 *tioning kelp forest ecosystems that do not involve commer-*  
21 *cial or mechanized harvesting.*



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