

118TH CONGRESS
1ST SESSION

H. R. 5487

To require the Secretary of Commerce to establish and carry out a grant program to conserve, restore, and manage kelp forest ecosystems, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2023

Mr. HUFFMAN (for himself, Ms. DELBENE, Ms. BARRAGÁN, Mr. PETERS, Mr. KILMER, Ms. JAYAPAL, Mr. LARSEN of Washington, and Mr. MULLIN) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To require the Secretary of Commerce to establish and carry out a grant program to conserve, restore, and manage kelp forest ecosystems, 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 “Help Our Kelp Act”.

5 **SEC. 2. GRANTS TO CONSERVE, RESTORE, AND MANAGE**
6 **KELP FOREST ECOSYSTEMS.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the purposes of this section and the grants au-

1 thORIZED by this section are to support native wild kelp
2 forest ecosystems and restore native wild kelp to enable
3 long term recovery of naturally functioning kelp forest eco-
4 systems that do not involve commercial or mechanized
5 harvesting.

6 (b) ESTABLISHMENT.—Not later than 180 days after
7 the date of the enactment of this section, the Adminis-
8 trator shall establish and carry out a grant program under
9 which the Administrator shall award grants to eligible en-
10 tities described in subsection (c) to carry out projects de-
11 scribed in subsection (d) relating to the conservation, res-
12 toration, or management of kelp forest ecosystems.

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

15 (1) be—

- 16 (A) a member of the fishing industry;
- 17 (B) an institution of higher education;
- 18 (C) a nonprofit organization;
- 19 (D) an Indian Tribe;
- 20 (E) a State agency; or
- 21 (F) a local government;

22 (2) consult or collaborate with any of the other
23 entities described in paragraph (1) throughout the
24 development or implementation of a project relating

1 to the conservation, restoration, or management of
2 kelp forest ecosystems; and

3 (3) submit to the Administrator an application
4 describing such project at such time, in such man-
5 ner, and containing such information as the Admin-
6 istrator may require, including information regard-
7 ing what criteria will be used to monitor and evalu-
8 ate the effectiveness of the project and the qualifica-
9 tions of the applicant to conduct, monitor, and
10 evaluate the project.

11 (d) ELIGIBLE PROJECTS.—The Administrator shall
12 award grants to eligible entities for projects that—

13 (1) address greatest relative regional declines in
14 kelp forest ecosystems;

15 (2) focus on elements such as—

16 (A) long term ecosystem resilience of kelp
17 forest ecosystems;

18 (B) long term socioeconomic resilience re-
19 lated to kelp forest ecosystems;

20 (C) kelp forest seeding and connectivity;

21 (D) re-establishing or recovering natural
22 trophic relationships and structure to support
23 resilience of kelp forest ecosystems through ac-
24 tions such as predator control through targeted

1 urchin removal and recovery of sunflower sea
2 stars;

3 (E) monitoring and assessment of kelp for-
4 est ecosystems;

5 (F) integration of Indigenous knowledge
6 and cultural practices into restoration and mon-
7 itoring of kelp forest ecosystems through con-
8 sultation with Indian Tribes or promotion of
9 Federal or State co-management with Indian
10 Tribes; or

11 (G) other efforts to restore kelp forest eco-
12 systems and prevent large scale losses of kelp
13 forests; or

14 (3) are identified by Indian Tribes or Federal
15 or State restoration or management plans as focal
16 areas for recovery of kelp forests and associated spe-
17 cies.

18 (e) MATCHING REQUIREMENT.—

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

1 project costs may be provided by in-kind contribu-
2 tions and 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—

6 (A) no reasonable means are available
7 through which an eligible entity applying for a
8 grant under this section can meet such require-
9 ment;

10 (B) the probable benefit of such project
11 outweighs the public interest in such require-
12 ment; and

13 (C) the project undertaken is established
14 on lands owned by or held in trust for an In-
15 dian Tribe.

16 (f) GUIDELINES AND CRITERIA.—The Administrator
17 shall—

18 (1) issue guidelines regarding the implementa-
19 tion of the grant program established under sub-
20 section (b); and

21 (2) establish criteria based on best practices,
22 the best available science, and community engage-
23 ment to rank eligible projects under subsection (d).

24 (g) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated to the Administrator to carry out this
3 section \$5,000,000 for each of fiscal years 2024
4 through 2028.

5 (2) AVAILABILITY TO INDIAN TRIBES.—

6 (A) IN GENERAL.—Of the amount author-
7 ized to be appropriated by paragraph (1) for a
8 fiscal year, subject to appropriations, not less
9 than \$750,000 shall be made available to award
10 grants under this section to eligible entities that
11 are Indian Tribes.

12 (B) CONTINGENCY; OUTREACH.—If no In-
13 dian Tribe is awarded a grant under this sec-
14 tion in a fiscal year—

15 (i) for that fiscal year, the amount de-
16 scribed in subparagraph (A) shall be made
17 available to award grants under this sec-
18 tion to other eligible entities; and

19 (ii) the Administrator shall conduct
20 outreach to inform Indian Tribes and orga-
21 nizations that work with Indian Tribes of
22 the grant program established under sub-
23 section (b).

24 (h) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Secretary of Commerce, acting
3 through the Administrator of the National Oceanic
4 and Atmospheric Administration.

5 (2) FISHING INDUSTRY.—The term “fishing in-
6 dustry” means—

7 (A) processors;

8 (B) commercial fishermen; and

9 (C) recreational fishermen.

10 (3) INDIAN TRIBE.—The term “Indian Tribe”
11 has the meaning given such term in section 4 of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 5304).

14 (4) INSTITUTION OF HIGHER EDUCATION.—The
15 term “institution of higher education” has the
16 meaning given such term in section 101(a) of the
17 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

18 (5) KELP FOREST ECOSYSTEM.—The term
19 “kelp forest ecosystem” means a naturally occur-
20 ring, biotic system dominated by canopy-forming,
21 stipitate, or prostrate benthic macroalgae and associ-
22 ated taxa.

23 (6) NONPROFIT ORGANIZATION.—The term
24 “nonprofit organization” means an organization—

1 (A) described in section 501(c)(3) of the
2 Internal Revenue Code of 1986; and

3 (B) exempt from tax under section 501(a)
4 of such Code.

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