

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4458
OFFERED BY MR. GRIJALVA OF ARIZONA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Keeping Ecosystems
3 Living and Productive Act” or the “KELP Act”.

4 SEC. 2. GRANTS FOR CONSERVING, RECOVERING, AND
5 MAINTAINING KELP FOREST ECOSYSTEMS.

6 (a) ESTABLISHMENT.—The Administrator shall es-
7 tablish a grant program under which the Administrator
8 shall award grants to eligible entities described in sub-
9 section (b) to carry out projects relating to the conserva-
10 tion, restoration, or management of kelp forest eco-
11 systems.

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

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

17 (2) propose or be conducting a project relating
18 to the conservation, restoration, or management of

1 kelp forest ecosystems developed through consulta-
2 tion with any of the other entities described in para-
3 graph (1); and

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

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

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

16 (2) focus on elements such as—

17 (A) long term ecosystem resilience;

18 (B) long term socioeconomic resilience;

19 (C) kelp forest seeding and connectivity;

20 (D) re-establishing trophic structure to
21 support resilience through actions such as tar-
22 geted urchin removal and predator control ef-
23 forts;

24 (E) monitoring and assessment of kelp for-
25 est ecosystems; or

1 (F) other efforts to restore kelp forest eco-
2 systems and prevent large scale losses of kelp
3 forests; or

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

7 (d) MATCHING REQUIREMENT.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the amount of Federal funding received
10 as a grant under this section by an eligible entity
11 may not exceed 85 percent of the total cost of the
12 project for which a grant is awarded. For the pur-
13 poses of this subparagraph, the non-Federal share of
14 project costs may be provided by in-kind contribu-
15 tions and other noncash support.

16 (2) WAIVER.—The Administrator may waive all
17 or part of the requirement in paragraph (1) if the
18 Administrator determines that no reasonable means
19 are available through which an eligible entity apply-
20 ing for a grant under this section can meet such re-
21 quirement and the probable benefit of such project
22 outweighs the public interest in such requirement.

23 (e) DEFINITIONS.—In this section—

24 (1) the term “Administrator” means the Sec-
25 retary of Commerce acting through the Adminis-

1 trator of the National Oceanic and Atmospheric Ad-
2 ministration.

3 (2) the term “fishing industry” means proc-
4 essors, commercial fishermen, and recreational fish-
5 ermen;

6 (3) the term “Indian Tribe” has the meaning
7 given such term in section 4 of the Indian Self-De-
8 termination and Education Assistance Act (25
9 U.S.C. 5304);

10 (4) the term “institution of higher education”
11 has the meaning given such term in section 101(a)
12 of the Higher Education Act of 1965 (20 U.S.C.
13 1001(a));

14 (5) the term “kelp forest ecosystem” means a
15 naturally occurring, biotic system dominated by can-
16 opy-forming, stipitate, or prostrate benthic
17 macroalgae and associated taxa; and

18 (6) the term “nonprofit organization” means an
19 organization described in section 501(c)(3) of the
20 Internal Revenue Code of 1986 and exempt from tax
21 under section 501(a) of such Code.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Administrator
24 \$50,000,000 for each of the fiscal years 2022 through
25 2026 to carry out this section.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that the purposes of this
3 Act and the grants authorized by section 2 are to support
4 native wild kelp forest ecosystems and restoration of na-
5 tive wild kelp to enable long term recovery of naturally
6 functioning kelp forest ecosystems that do not involve
7 commercial or mechanized harvesting.

