

118TH CONGRESS
1ST SESSION

S. 2807

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 SENATE OF THE UNITED STATES

SEPTEMBER 14, 2023

Mr. MERKLEY (for himself, Mr. KING, Mrs. FEINSTEIN, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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) ESTABLISHMENT.—The Administrator shall es-
8 tablish, not later than 180 days after the date of the en-
9 actment of this Act, and carry out a grant program under

1 which the Administrator shall award grants to eligible en-
 2 tities described in subsection (b) to carry out eligible
 3 projects described in subsection (c) relating to the con-
 4 servation, restoration, or management of kelp forest eco-
 5 systems.

6 (b) ELIGIBLE ENTITIES.—To be eligible for a grant
 7 under this section, an entity shall—

8 (1) be—

- 9 (A) a member of the fishing industry;
- 10 (B) an institution of higher education;
- 11 (C) a nonprofit organization;
- 12 (D) an Indian Tribe;
- 13 (E) a State agency; or
- 14 (F) a local government;

15 (2) consult or collaborate with any other entity
 16 described in paragraph (1) throughout the develop-
 17 ment or implementation of a project relating to the
 18 conservation, restoration, or management of kelp
 19 forest ecosystems; and

20 (3) submit to the Administrator an application
 21 describing that project at such time, in such man-
 22 ner, and containing such information as the Admin-
 23 istrator may require, including information regard-
 24 ing—

1 (A) what criteria will be used to monitor
2 and evaluate the effectiveness of the project;
3 and

4 (B) the qualifications of the applicant to
5 conduct, monitor, and evaluate the project.

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

8 (1) address the greatest relative regional de-
9 clines in kelp forest ecosystems;

10 (2) focus on elements such as—

11 (A) the long-term resilience of kelp forest
12 ecosystems;

13 (B) long-term socioeconomic resilience re-
14 lated to kelp forest ecosystems;

15 (C) kelp forest seeding and connectivity;

16 (D) reestablishing or recovering natural
17 trophic relationships and structure to support
18 the resilience of kelp forest ecosystems through
19 actions such as predator control through tar-
20 geted urchin removal and the recovery of sun-
21 flower sea stars;

22 (E) monitoring and assessment of kelp for-
23 est ecosystems;

24 (F) integration of Indigenous knowledge
25 and cultural practices into restoration and mon-

1 itoring of kelp forest ecosystems through con-
 2 sultation with Indian Tribes or promotion of
 3 Federal or State co-management with Indian
 4 Tribes; or

5 (G) other efforts to restore kelp forest eco-
 6 systems and prevent large scale losses of kelp
 7 forests; or

8 (3) are identified by Indian Tribes or Federal
 9 or State restoration or management plans as focal
 10 areas for recovery of kelp forests and associated spe-
 11 cies.

12 (d) MATCHING REQUIREMENT.—

13 (1) IN GENERAL.—Except as provided in para-
 14 graph (2), the amount of Federal funding received
 15 as a grant under this section by an eligible entity
 16 may not exceed 85 percent of the total cost of the
 17 project for which the grant is awarded. For the pur-
 18 poses of this paragraph, the non-Federal share of
 19 the costs of a project may be provided by in-kind
 20 contributions and other noncash support.

21 (2) WAIVER.—The Administrator may waive all
 22 or part of the requirement in paragraph (1) if the
 23 Administrator determines that—

24 (A) no reasonable means are available
 25 through which an eligible entity applying for a

1 grant under this section can meet that require-
2 ment;

3 (B) the probable benefit of the project out-
4 weighs the public interest in such requirement;
5 and

6 (C) the project undertaken is established
7 on lands owned by or held in trust for an In-
8 dian Tribe.

9 (e) GUIDELINES AND CRITERIA.—The Administrator
10 shall—

11 (1) issue guidelines for implementation of the
12 grant program established under subsection (a); and

13 (2) establish criteria for evaluating eligible
14 projects based on best practices, best available
15 science, and community engagement to rank eligible
16 projects under subsection (c).

17 (f) AUTHORIZATION OF APPROPRIATIONS.—

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

22 (2) AVAILABILITY TO INDIAN TRIBES.—

23 (A) IN GENERAL.—Of the amount author-
24 ized to be appropriated by paragraph (1) for a
25 fiscal year, not less than \$750,000 shall be

1 available to award grants under this section to
2 eligible entities that are Indian Tribes.

3 (B) CONTINGENCY; OUTREACH.—If no In-
4 dian tribe is awarded a grant under this section
5 in a fiscal year—

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

10 (ii) the Administrator shall conduct
11 outreach to inform Indian Tribes and orga-
12 nizations that work with Indian Tribes of
13 the grant program established under sub-
14 section (a).

15 (g) DEFINITIONS.—In this section:

16 (1) ADMINISTRATOR.—The term “Adminis-
17 trator” means the Secretary of Commerce, acting
18 through the Administrator of the National Oceanic
19 and Atmospheric Administration.

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

22 (A) processors;

23 (B) commercial fishermen; and

24 (C) recreational fishermen.

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

5 (4) INSTITUTION OF HIGHER EDUCATION.—The
6 term “institution of higher education” has the
7 meaning given that term in section 101(a) of the
8 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

9 (5) KELP FOREST ECOSYSTEM.—The term
10 “kelp forest ecosystem” means a naturally occur-
11 ring, biotic system dominated by canopy-forming,
12 stipitate, or prostrate benthic macroalgae and associ-
13 ated taxa.

14 (6) LOCAL GOVERNMENT.—The term “local
15 government” means a unit of general local govern-
16 ment, a school district, or other special district es-
17 tablished under State law.

18 (7) NONPROFIT ORGANIZATION.—The term
19 “nonprofit organization” means an organization—

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

22 (B) exempt from tax under section 501(a)
23 of such Code.

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