

110TH CONGRESS
1ST SESSION

S. 2020

To reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the “Tropical Forest and Coral Conservation Act of 2007”, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 6, 2007

Mr. LUGAR (for himself and Mr. BIDEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2010, to rename the Tropical Forest Conservation Act of 1998 as the “Tropical Forest and Coral Conservation Act of 2007”, 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 “Tropical Forest and
5 Coral Conservation Reauthorization Act of 2007”.

1 **SEC. 2. AMENDMENT TO SHORT TITLE OF ACT TO ENCOM-**
2 **PASS EXPANDED SCOPE.**

3 (a) IN GENERAL.—Section 801 of the Tropical For-
4 est Conservation Act of 1998 (Public Law 87–195; 22
5 U.S.C. 2151 note) is amended by striking “Tropical For-
6 est Conservation Act of 1998” and inserting “Tropical
7 Forest and Coral Conservation Act of 2007”.

8 (b) REFERENCES.—Any reference in any other provi-
9 sion of law, regulation, document, paper, or other record
10 of the United States to the “Tropical Forest Conservation
11 Act of 1998” shall be deemed to be a reference to the
12 “Tropical Forest and Coral Conservation Act of 2007”.

13 **SEC. 3. EXPANSION OF SCOPE OF ACT TO PROTECT FOR-**
14 **ESTS AND CORAL REEFS.**

15 (a) IN GENERAL.—Section 802 of the Tropical For-
16 est and Coral Conservation Act of 2007 (22 U.S.C. 2431),
17 as renamed by section 2(a), is amended—

18 (1) in subsections (a)(1), (a)(6), (a)(7), (b)(1),
19 (b)(3), and (b)(4), by striking “tropical forests”
20 each place it appears and inserting “tropical forests
21 and coral reefs and associated coastal marine eco-
22 systems”;

23 (2) in subsection (a)(2)—

24 (A) in subparagraph (A), by striking “re-
25 sources, which are the basis for developing

1 pharmaceutical products and revitalizing agri-
2 cultural crops” and inserting “resources”; and

3 (B) in subparagraph (C), by striking “far-
4 flung”; and

5 (3) in subsection (b)(2)—

6 (A) by striking “tropical forests” the first
7 place it appears and inserting “tropical forests
8 and coral reefs and associated coastal marine
9 ecosystems”;

10 (B) by striking “tropical forests” the sec-
11 ond place it appears and inserting “areas”;

12 (C) by striking “tropical forests” the third
13 place it appears and inserting “tropical forests
14 and coral reefs and their associated coastal ma-
15 rine ecosystems”; and

16 (D) by striking “that have led to deforest-
17 ation” and inserting “on such countries”.

18 (b) AMENDMENTS RELATED TO DEFINITIONS.—Sec-
19 tion 803 of such Act (22 U.S.C. 2431a) is amended—

20 (1) in paragraph (5)—

21 (A) in the heading, by striking “TROPICAL
22 FOREST” and inserting “TROPICAL FOREST OR
23 CORAL REEF”;

1 (B) in the matter preceding subparagraph
2 (A), by striking “tropical forest” and inserting
3 “tropical forest or coral reef”; and

4 (C) in subparagraph (B), by striking
5 “tropical forest” and inserting “tropical forest
6 or coral reef”.

7 (2) by adding at the end the following new
8 paragraphs:

9 “(10) CORAL.—The term ‘coral’ means species
10 of the phylum Cnidaria, including—

11 “(A) all species of the orders Antipatharia
12 (black corals), Scleractinia (stony corals),
13 Alcyonacea (soft corals), Gorgonacea (horny
14 corals), Stolonifera (organpipe corals and oth-
15 ers), and Coenothecalia (blue coral), of the class
16 Anthoza; and

17 “(B) all species of the order
18 Hydrocorallina (fire corals and hydrocorals) of
19 the class Hydrozoa.

20 “(11) CORAL REEF.—The term ‘coral reef’
21 means any reef or shoal composed primarily of coral.

22 “(12) ASSOCIATED COASTAL MARINE ECO-
23 SYSTEM.—The term ‘associated coastal marine eco-
24 system’ means any coastal marine ecosystem sur-
25 rounding, or directly related to, a coral reef and im-

1 portant to maintaining the ecological integrity of
2 that coral reef, such as seagrasses, mangroves,
3 sandy seabed communities, and immediately adja-
4 cent coastal areas.”.

5 **SEC. 4. CHANGE TO NAME OF FACILITY.**

6 (a) IN GENERAL.—Section 804 of the Tropical For-
7 est and Coral Conservation Act of 2007 (22 U.S.C.
8 2431b), as renamed by section 2(a), is amended by strik-
9 ing “Tropical Forest Facility” and inserting “Conserva-
10 tion Facility”.

11 (b) CONFORMING AMENDMENTS TO DEFINITIONS.—
12 Section 803(8) of such Act (22 U.S.C. 2431a(8)) is
13 amended—

14 (1) in the heading, by striking “TROPICAL FOR-
15 EST FACILITY” and inserting “CONSERVATION FA-
16 CILITY”; and

17 (2) by striking “Tropical Forest Facility” both
18 places it appears and inserting “Conservation Facil-
19 ity”.

20 (c) REFERENCES.—Any reference in any other provi-
21 sion of law, regulation, document, paper, or other record
22 of the United States to the “Tropical Forest Facility”
23 shall be deemed to be a reference to the “Conservation
24 Facility”.

1 **SEC. 5. ELIGIBILITY FOR BENEFITS.**

2 Section 805(a) of the Tropical Forest and Coral Con-
3 servation Act of 2007 (22 U.S.C. 2431c(a)), as renamed
4 by section 2(a), is amended by striking “tropical forest”
5 and inserting “tropical forest or coral reef”.

6 **SEC. 6. UNITED STATES GOVERNMENT REPRESENTATION**
7 **ON OVERSIGHT BODIES FOR GRANTS FROM**
8 **DEBT-FOR-NATURE SWAPS AND DEBT-**
9 **BUYBACKS.**

10 Section 808(a)(5) of the Tropical Forest and Coral
11 Conservation Act of 2007 (22 U.S.C. 2431f(a)(5)), as re-
12 named by section 2(a), is amended by adding at the end
13 the following new subparagraph:

14 “(C) UNITED STATES GOVERNMENT REP-
15 RESENTATION ON THE ADMINISTERING
16 BODY.—One or more individuals appointed by
17 the United States Government may serve in an
18 official capacity on the administering body that
19 oversees the implementation of grants arising
20 from a debt-for-nature swap or debt buy-back
21 regardless of whether the United States is a
22 party to any agreement between the eligible
23 purchaser and the government of the bene-
24 ficiary country.”.

1 **SEC. 7. CONSERVATION AGREEMENTS.**

2 (a) **RENAMING OF AGREEMENTS.**—Section 809 of
 3 the Tropical Forest and Coral Conservation Act of 2007
 4 (22 U.S.C. 2431g), as renamed by section 2(a), is amend-
 5 ed—

6 (1) in the section heading, by striking “**TROP-**
 7 **ICAL FOREST AGREEMENT**” and inserting “**CON-**
 8 **SERVATION AGREEMENT**”; and

9 (2) in subsection (a)—

10 (A) by striking “AUTHORITY” and all that
 11 follows through “(1) **IN GENERAL.**—The Sec-
 12 retary” and inserting “AUTHORITY.—The Sec-
 13 retary”; and

14 (B) by striking “Tropical Forest Agree-
 15 ment” and inserting “Conservation Agree-
 16 ment”.

17 (b) **ELIMINATION OF REQUIREMENT TO CONSULT**
 18 **WITH THE ENTERPRISE FOR THE AMERICAS BOARD.**—
 19 Such subsection is further amended by striking paragraph
 20 (2).

21 (c) **ROLE OF BENEFICIARY COUNTRIES.**—Such sec-
 22 tion is further amended—

23 (1) in subsection (e)(1)(C), by striking “in ex-
 24 ceptional circumstances, the government of the bene-
 25 ficiary country” and inserting “in limited cir-
 26 cumstances, the government of the beneficiary coun-

1 try when needed to improve governance and enhance
2 management of tropical forests or coral reefs or as-
3 sociated coastal marine ecosystems, without replac-
4 ing existing levels of financial efforts by the govern-
5 ment of the beneficiary country and with priority
6 given to projects that complement grants made
7 under subparagraphs (A) and (B)”; and

8 (2) by amending subsection (f) to read as fol-
9 lows:

10 “(f) REVIEW OF LARGER GRANTS.—Any grant of
11 more than \$250,000 from a Fund must be approved by
12 the Government of the United States and the government
13 of the beneficiary country.”.

14 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
15 Such section is further amended—

16 (1) in subsection (c)(2)(A)(i), by inserting “to
17 serve in an official capacity” after “Government”;

18 (2) in subsection (d)—

19 (A) in the matter preceding paragraph (1),
20 by striking “tropical forests” and inserting
21 “tropical forests and coral reefs and associated
22 coastal marine ecosystems related to such coral
23 reefs”;

24 (B) in paragraph (5), by striking “tropical
25 forest”; and

1 (C) in paragraph (6), by striking “living in
2 or near a tropical forest in a manner consistent
3 with protecting such tropical forest” and insert-
4 ing “dependent on a tropical forest or coral reef
5 or an associated coastal marine ecosystem re-
6 lated to such coral reef and related resources in
7 a manner consistent with conserving such re-
8 sources”.

9 (e) CONFORMING AMENDMENTS TO DEFINITIONS.—
10 Section 803(7) of such Act (22 U.S.C. 2431a(7)) is
11 amended—

12 (1) in the heading, by striking “TROPICAL FOR-
13 EST AGREEMENT” and inserting “CONSERVATION
14 AGREEMENT”; and

15 (2) by striking “Tropical Forest Agreement”
16 both places it appears and inserting “Conservation
17 Agreement”.

18 **SEC. 8. CONSERVATION FUND.**

19 (a) IN GENERAL.—Section 810 of the Tropical For-
20 est and Coral Conservation Act of 2007 (22 U.S.C.
21 2431h), as renamed by section 2(a), is amended—

22 (1) in the section heading, by striking “**TROP-**
23 **ICAL FOREST FUND**” and inserting “**CONSERVA-**
24 **TION FUND**”; and

25 (2) in subsection (a)—

1 (A) by striking “Tropical Forest Agree-
2 ment” and inserting “Conservation Agree-
3 ment”; and

4 (B) by striking “Tropical Forest Fund”
5 and inserting “Conservation Fund”.

6 (b) CONFORMING AMENDMENTS TO DEFINITIONS.—

7 Such Act is further amended—

8 (1) in section 803(9) (22 U.S.C. 2431a(9))—

9 (A) in the heading, by striking “TROPICAL
10 FOREST FUND” and inserting “CONSERVATION
11 FUND”; and

12 (B) by striking “Tropical Forest Fund”
13 both places it appears and inserting “Conserva-
14 tion Fund”;

15 (2) in section 806(c)(2) (22 U.S.C.
16 2431d(c)(2)), by striking “Tropical Forest Fund”
17 and inserting “Conservation Fund”; and

18 (3) in section 807(c)(2) (22 U.S.C.
19 2431e(c)(2)), by striking “Tropical Forest Fund”
20 and inserting “Conservation Fund”.

1 **SEC. 9. REPEAL OF AUTHORITY OF THE ENTERPRISE FOR**
2 **THE AMERICAS BOARD TO CARRY OUT AC-**
3 **TIVITIES UNDER THE FOREST AND CORAL**
4 **CONSERVATION ACT OF 2007.**

5 (a) IN GENERAL.—Section 811 of the Tropical For-
6 est and Coral Conservation Act of 2007 (22 U.S.C.
7 2431i), as renamed by section 2(a), is repealed.

8 (b) CONFORMING AMENDMENTS.—Section 803 of
9 such Act (22 U.S.C. 2431a), as renamed by section 2(a),
10 is amended—

11 (1) by striking paragraph (4); and

12 (2) by redesignating paragraphs (5), (6), (7),
13 (8), and (9) as paragraphs (4), (5), (6), (7), and
14 (8), respectively.

15 **SEC. 10. CHANGES TO DUE DATES OF ANNUAL REPORTS TO**
16 **CONGRESS.**

17 Section 813 of the Tropical Forest and Coral Con-
18 servation Act of 2007 (22 U.S.C. 2431k), as renamed by
19 section 2(a), is amended—

20 (1) in subsection (a)—

21 (A) by striking “(a) IN GENERAL.—Not
22 later than December 31” and inserting “Not
23 later than April 15”;

24 (B) by striking “Facility” both places it
25 appears and inserting “Conservation Facility”;
26 and

1 (C) by striking “fiscal year” both places it
2 appears and inserting “calendar year”; and
3 (2) by striking subsection (b).

4 **SEC. 11. CHANGES TO INTERNATIONAL MONETARY FUND**
5 **CRITERION FOR COUNTRY ELIGIBILITY.**

6 Section 703(a)(5) of the Foreign Assistance Act of
7 1961 (22 U.S.C. 2430b(a)(5)) is amended—

8 (1) by striking “or, as appropriate in excep-
9 tional circumstances,” and inserting “or”;

10 (2) in subparagraph (A)—

11 (A) by striking “or in exceptional cir-
12 cumstances, a Fund monitored program or its
13 equivalent,” and inserting “or a Fund mon-
14 itored program, or is implementing sound mac-
15 roeconomic policies,”; and

16 (B) by striking “(after consultation with
17 the Enterprise for the Americas Board)”; and

18 (3) in subparagraph (B), by striking “(after
19 consultation with the Enterprise for Americas
20 Board)”.

1 **SEC. 12. NEW AUTHORIZATION OF APPROPRIATIONS FOR**
2 **THE REDUCTION OF DEBT AND AUTHORIZA-**
3 **TION FOR AUDIT, EVALUATION, MONITORING,**
4 **AND ADMINISTRATION EXPENSES.**

5 Section 806 of the Tropical Forest and Coral Con-
6 servation Act of 2007 (22 U.S.C. 2431d), as renamed by
7 section 2(a), is amended—

8 (1) in subsection (d), by adding at the end the
9 following new paragraphs:

10 “(7) \$20,000,000 for fiscal year 2008.

11 “(8) \$25,000,000 for fiscal year 2009.

12 “(9) \$30,000,000 for fiscal year 2010.”; and

13 (2) by amending subsection (e) to read as fol-
14 lows:

15 “(e) USE OF FUNDS TO CONDUCT PROGRAM AU-
16 DITS, EVALUATIONS, MONITORING, AND ADMINISTRA-
17 TION.—Of the amounts made available to carry out this
18 part for a fiscal year, \$300,000 is authorized to be made
19 available to carry out audits, evaluations, monitoring, and
20 administration of programs under this part, including per-
21 sonnel costs associated with such audits, evaluations, mon-
22 itoring and administration.”.

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