

115TH CONGRESS
2D SESSION

S. 1023

AN ACT

To reauthorize the Tropical Forest Conservation Act of 1998
through fiscal year 2021, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
 3 “Tropical Forest Conservation Reauthorization Act of
 4 2018”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Amendment to short title of Act to encompass modified scope.
- Sec. 3. Protection of tropical forests and coral reefs.
- Sec. 4. Change to name of facility.
- Sec. 5. Eligibility for benefits.
- Sec. 6. Reduction of debt owed to the United States as a result of credits extended under title I of Food for Peace Act.
- Sec. 7. United States Government representation on oversight bodies for grants from debt-for-nature swaps and debt buybacks.
- Sec. 8. Conservation agreements.
- Sec. 9. Conservation Fund.
- Sec. 10. Changes to due dates of annual reports to Congress.
- Sec. 11. New authorization of appropriations for the reduction of debt and authorization for audit, evaluation, monitoring, and administration expenses.

7 **SEC. 2. AMENDMENT TO SHORT TITLE OF ACT TO ENCOM-**
 8 **PASS MODIFIED SCOPE.**

9 (a) **IN GENERAL.**—Section 801 of the Tropical For-
 10 est Conservation Act of 1998 (part V of Public Law 87–
 11 195; 22 U.S.C. 2151 note) is amended by striking “Trop-
 12 ical Forest Conservation Act of 1998” and inserting
 13 “Tropical Forest and Coral Reef Conservation Act of
 14 1998”.

15 (b) **REFERENCES.**—Any reference in any other provi-
 16 sion of law, regulation, document, paper, or other record
 17 of the United States to the “Tropical Forest Conservation
 18 Act of 1998” shall be deemed to be a reference to the

1 “Tropical Forest and Coral Reef Conservation Act of
2 1998”.

3 **SEC. 3. PROTECTION OF TROPICAL FORESTS AND CORAL**
4 **REEFS.**

5 (a) IN GENERAL.—Section 802 of the Tropical For-
6 est and Coral Reef Conservation Act of 1998 (22 U.S.C.
7 2431), as renamed by section 2(a), is amended—

8 (1) in subsections (a)(1), (a)(6), (b)(1), (b)(3),
9 and (b)(4), by striking “tropical forests” each place
10 it appears and inserting “tropical forests and coral
11 reef ecosystems”;

12 (2) in subsection (a)(2)(C), by striking “far-
13 flung”;

14 (3) in subsection (a)(7), by striking “tropical
15 forests is critical to the protection of tropical for-
16 ests” and inserting “tropical forests and coral reef
17 ecosystems is critical to the protection of such
18 areas”; and

19 (4) in subsection (b)(2)—

20 (A) by striking “tropical forests” the first
21 place it appears and inserting “tropical forests
22 and coral ecosystems”;

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

1 (C) by striking “tropical forests” the third
 2 place it appears and inserting “tropical forests
 3 and coral reef ecosystems”.

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

6 (1) in paragraph (5)—

7 (A) in the heading, by striking “TROPICAL
 8 FOREST” and inserting “TROPICAL FOREST OR
 9 CORAL REEF”;

10 (B) in the matter preceding subparagraph
 11 (A), by striking “tropical forest” and inserting
 12 “tropical forest or coral reef”; and

13 (C) in subparagraph (B)—

14 (i) by striking “tropical forest” and
 15 inserting “tropical forest or coral reef”;
 16 and

17 (ii) by striking “tropical forests” and
 18 inserting “tropical forests or coral reefs”;
 19 and

20 (2) by adding at the end the following new
 21 paragraphs:

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

24 “(A) all species of the orders Antipatharia
 25 (black corals), Scleractinia (stony corals),

1 Alcyonacea (soft corals), Gorgonacea (horny
2 corals), Stolonifera (organpipe corals and oth-
3 ers), and Coenothecalia (blue coral), of the class
4 Anthoza; and

5 “(B) all species of the order
6 Hydrocorallina (fire corals and hydrocorals) of
7 the class Hydrozoa.

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

10 “(12) CORAL REEF ECOSYSTEM.—The term
11 ‘coral reef ecosystem’ means any coral reef and any
12 coastal marine ecosystem surrounding, or directly re-
13 lated to, a coral reef and important to maintaining
14 the ecological integrity of that coral reef, such as
15 seagrasses, mangroves, sandy seabed communities,
16 and immediately adjacent coastal areas.”.

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

18 (a) IN GENERAL.—Section 804 of the Tropical For-
19 est and Coral Reef Conservation Act of 1998 (22 U.S.C.
20 2431b), as renamed by section 2(a), is amended by strik-
21 ing “Tropical Forest Facility” and inserting “Conserva-
22 tion Facility”.

23 (b) CONFORMING AMENDMENTS TO DEFINITIONS.—
24 Section 803(8) of such Act (22 U.S.C. 2431a(8)) is
25 amended—

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

4 (2) by striking “Tropical Forest Facility” both
5 places it appears and inserting “Conservation Facil-
6 ity”.

7 (c) REFERENCES.—Any reference in any other provi-
8 sion of law, regulation, document, paper, or other record
9 of the United States to the “Tropical Forest Facility”
10 shall be deemed to be a reference to the “Conservation
11 Facility”.

12 **SEC. 5. ELIGIBILITY FOR BENEFITS.**

13 Section 805(a) of the Tropical Forest and Coral Reef
14 Conservation Act of 1998 (22 U.S.C. 2431c(a)), as re-
15 named by section 2(a), is amended—

16 (1) by striking “tropical forest” and inserting
17 “tropical forest or coral reef”;

18 (2) by redesignating paragraph (2) as para-
19 graph (7); and

20 (3) by striking paragraph (1) and inserting the
21 following new paragraphs:

22 “(1) whose government is democratically elect-
23 ed;

24 “(2) whose government has not repeatedly pro-
25 vided support for acts of international terrorism;

1 “(3) whose government is not failing to cooper-
2 ate on international narcotics control matters;

3 “(4) whose government (including its military
4 or other security forces) does not engage in a con-
5 sistent pattern of gross violations of internationally
6 recognized human rights;

7 “(5) that has in effect, has received approval
8 for, or is making significant progress toward—

9 “(A) an International Monetary Fund
10 standby arrangement, extended Fund arrange-
11 ment, or an arrangement under the structural
12 adjustment facility or enhanced structural ad-
13 justment facility, or a Fund monitored pro-
14 gram, or is implementing sound macroeconomic
15 policies, unless the President determines that
16 such an arrangement or program could reason-
17 ably be expected to have significant adverse so-
18 cial or environmental effect; and

19 “(B) as appropriate, structural or sectoral
20 adjustment loans from the International Bank
21 for Reconstruction and Development or the
22 International Development Association, unless
23 the President determines that the resulting ad-
24 justment requirements could reasonably be ex-

1 pected to have significant adverse social or envi-
 2 ronmental effects;

3 “(6) if appropriate, has agreed with its com-
 4 mercial bank lenders on a satisfactory financing pro-
 5 gram, including, as appropriate, debt or debt service
 6 reduction; and”.

7 **SEC. 6. REDUCTION OF DEBT OWED TO THE UNITED**
 8 **STATES AS A RESULT OF CREDITS EXTENDED**
 9 **UNDER TITLE I OF FOOD FOR PEACE ACT.**

10 Section 807(a)(1) of the Tropical Forest and Coral
 11 Reef Conservation Act of 1998 (22 U.S.C. 2431e(a)(1)),
 12 as renamed by section 2(a), is amended by striking “out-
 13 standing as of January 1, 1998,” and inserting “out-
 14 standing as of the date of the enactment of the Tropical
 15 Forest Conservation Reauthorization Act of 2018”.

16 **SEC. 7. UNITED STATES GOVERNMENT REPRESENTATION**
 17 **ON OVERSIGHT BODIES FOR GRANTS FROM**
 18 **DEBT-FOR-NATURE SWAPS AND DEBT**
 19 **BUYBACKS.**

20 Section 808(a)(5) of the Tropical Forest and Coral
 21 Reef Conservation Act of 1998 (22 U.S.C. 2431f(a)(5)),
 22 as renamed by section 2(a), is amended by adding at the
 23 end the following new subparagraph:

24 “(C) UNITED STATES GOVERNMENT REP-
 25 RESENTATION ON THE ADMINISTERING

1 BODY.—One or more individuals appointed by
 2 the United States Government shall serve in an
 3 official capacity on the administering body that
 4 oversees the implementation of grants arising
 5 from a debt-for-nature swap or debt buyback
 6 regardless of whether the United States is a
 7 party to any agreement between the eligible
 8 purchaser and the government of the bene-
 9 ficiary country.”.

10 **SEC. 8. CONSERVATION AGREEMENTS.**

11 (a) RENAMING OF AGREEMENTS.—Section 809 of
 12 the Tropical Forest and Coral Reef Conservation Act of
 13 1998 (22 U.S.C. 2431g), as renamed by section 2(a), is
 14 amended—

15 (1) in the section heading, by striking “**TROP-**
 16 **ICAL FOREST AGREEMENT**” and inserting “**CON-**
 17 **SERVATION AGREEMENT**”; and

18 (2) in subsection (a)—

19 (A) by striking “AUTHORITY” and all that
 20 follows through “(1) IN GENERAL.—The Sec-
 21 retary” and inserting “AUTHORITY.—The Sec-
 22 retary”; and

23 (B) by striking “Tropical Forest Agree-
 24 ment” and inserting “Conservation Agree-
 25 ment”.

1 (b) ELIMINATION OF REQUIREMENT TO CONSULT
2 WITH THE ENTERPRISE FOR THE AMERICAS BOARD.—
3 Such subsection is further amended by striking paragraph
4 (2).

5 (c) ROLE OF BENEFICIARY COUNTRIES.—Such sec-
6 tion is further amended—

7 (1) in subsection (e)(1)(C), by striking “in ex-
8 ceptional circumstances, the government of the bene-
9 ficiary country” and inserting “in limited cir-
10 cumstances, the government of the beneficiary coun-
11 try when needed to improve governance and enhance
12 management of tropical forests or coral reef eco-
13 systems, without replacing existing levels of financial
14 efforts by the government of the beneficiary country
15 and with priority given to projects that complement
16 grants made under subparagraphs (A) and (B)”;
17 and

18 (2) by amending subsection (f) to read as fol-
19 lows:

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

24 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
25 Such section is further amended—

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

4 (2) in subsection (d)—

5 (A) in the matter preceding paragraph (1),
6 by striking “tropical forests” and inserting
7 “tropical forests and coral reef ecosystems”;

8 (B) in paragraph (5), by striking “tropical
9 forest”; and

10 (C) in paragraph (6), by striking “living in
11 or near a tropical forest in a manner consistent
12 with protecting such tropical forest” and insert-
13 ing “dependent on a tropical forest or coral reef
14 ecosystem and related resources in a manner
15 consistent with conserving such resources”.

16 (e) CONFORMING AMENDMENTS TO DEFINITIONS.—
17 Section 803(7) of such Act (22 U.S.C. 2431a(7)) is
18 amended—

19 (1) in the heading, by striking “TROPICAL FOR-
20 EST AGREEMENT” and inserting “CONSERVATION
21 AGREEMENT”; and

22 (2) by striking “Tropical Forest Agreement”
23 both places it appears and inserting “Conservation
24 Agreement”.

1 **SEC. 9. CONSERVATION FUND.**

2 (a) IN GENERAL.—Section 810 of the Tropical For-
3 est and Coral Reef Conservation Act of 1998 (22 U.S.C.
4 2431h), as renamed by section 2(a), is amended—

5 (1) in the section heading, by striking “**TROP-**
6 **ICAL FOREST FUND**” and inserting “**CONSERVA-**
7 **TION FUND**”; and

8 (2) in subsection (a)—

9 (A) by striking “Tropical Forest Agree-
10 ment” and inserting “Conservation Agree-
11 ment”; and

12 (B) by striking “Tropical Forest Fund”
13 and inserting “Conservation Fund”.

14 (b) CONFORMING AMENDMENTS TO DEFINITIONS.—
15 Such Act is further amended—

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

17 (A) in the heading, by striking “TROPICAL
18 FOREST FUND” and inserting “CONSERVATION
19 FUND”; and

20 (B) by striking “Tropical Forest Fund”
21 both places it appears and inserting “Conserva-
22 tion Fund”;

23 (2) in section 806(c)(2) (22 U.S.C.
24 2431d(c)(2)), by striking “Tropical Forest Fund”
25 and inserting “Conservation Fund”; and

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

4 **SEC. 10. CHANGES TO DUE DATES OF ANNUAL REPORTS TO**
5 **CONGRESS.**

6 Section 813 of the Tropical Forest and Coral Reef
7 Conservation Act of 1998 (22 U.S.C. 2431k), as renamed
8 by section 2(a), is amended—

9 (1) in subsection (a)—

10 (A) by striking “(a) IN GENERAL.—Not
11 later than December 31” and inserting “Not
12 later than April 15”; and

13 (B) by striking “fiscal year” both places it
14 appears and inserting “calendar year”; and

15 (2) by striking subsection (b).

16 **SEC. 11. NEW AUTHORIZATION OF APPROPRIATIONS FOR**
17 **THE REDUCTION OF DEBT AND AUTHORIZA-**
18 **TION FOR AUDIT, EVALUATION, MONITORING,**
19 **AND ADMINISTRATION EXPENSES.**

20 Section 806 of the Tropical Forest and Coral Reef
21 Conservation Act of 1998 (22 U.S.C. 2431d), as renamed
22 by section 2(a), is amended—

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

25 “(7) \$20,000,000 for fiscal year 2019.

1 “(8) \$20,000,000 for fiscal year 2020.”; and
2 (2) by amending subsection (e) to read as fol-
3 lows:

4 “(e) USE OF FUNDS TO CONDUCT PROGRAM AU-
5 DITS, EVALUATIONS, MONITORING, AND ADMINISTRA-
6 TION.—Of the amounts made available to carry out this
7 part for a fiscal year, \$300,000 is authorized to be made
8 available to carry out audits, evaluations, monitoring, and
9 administration of programs under this part, including per-
10 sonnel costs associated with such audits, evaluations, mon-
11 itoring and administration.”.

 Passed the Senate December 20 (legislative day, De-
cember 19), 2018.

Attest:

Secretary.

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2^D SESSION

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AN ACT

To reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2021, and for other purposes.