

115TH CONGRESS
2D SESSION

H. R. 6982

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2018

Mr. CHABOT (for himself, Mr. SHERMAN, Mr. FORTENBERRY, Mr. ENGEL, Mr. SMITH of New Jersey, Mr. GRIJALVA, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

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,*

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Tropical Forest Conservation Reauthorization Act of
6 2018”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 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.

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

3 (a) IN GENERAL.—Section 801 of the Tropical For-
 4 est Conservation Act of 1998 (part V of Public Law 87–
 5 195; 22 U.S.C. 2151 note) is amended by striking “Trop-
 6 ical Forest Conservation Act of 1998” and inserting
 7 “Tropical Forest and Coral Reef Conservation Act of
 8 1998”.

9 (b) REFERENCES.—Any reference in any other provi-
 10 sion of law, regulation, document, paper, or other record
 11 of the United States to the “Tropical Forest Conservation
 12 Act of 1998” shall be deemed to be a reference to the
 13 “Tropical Forest and Coral Reef Conservation Act of
 14 1998”.

15 **SEC. 3. PROTECTION OF TROPICAL FORESTS AND CORAL**
 16 **REEFS.**

17 (a) IN GENERAL.—Section 802 of the Tropical For-
 18 est and Coral Reef Conservation Act of 1998 (22 U.S.C.
 19 2431), as renamed by section 2(a), is amended—

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

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

7 (3) in subsection (a)(7), by striking “tropical
 8 forests is critical to the protection of tropical for-
 9 ests” and inserting “tropical forests and coral reef
 10 ecosystems is critical to the protection of such
 11 areas”; and

12 (4) in subsection (b)(2)—

13 (A) by striking “tropical forests” the first
 14 place it appears and inserting “tropical forests
 15 and coral ecosystems”;

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

18 (C) by striking “tropical forests” the third
 19 place it appears and inserting “tropical forests
 20 and coral reef ecosystems”.

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

23 (1) in paragraph (5)—

1 (A) in the heading, by striking “TROPICAL
2 FOREST” and inserting “TROPICAL FOREST OR
3 CORAL REEF”;

4 (B) in the matter preceding subparagraph
5 (A), by striking “tropical forest” and inserting
6 “tropical forest or coral reef”; and

7 (C) in subparagraph (B)—

8 (i) by striking “tropical forest” and
9 inserting “tropical forest or coral reef”;
10 and

11 (ii) by striking “tropical forests” and
12 inserting “tropical forests or coral reefs”;
13 and

14 (2) by adding at the end the following new
15 paragraphs:

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

18 “(A) all species of the orders Antipatharia
19 (black corals), Scleractinia (stony corals),
20 Alcyonacea (soft corals), Gorgonacea (horny
21 corals), Stolonifera (organpipe corals and oth-
22 ers), and Coenothecalia (blue coral), of the class
23 Anthozoa; and

1 “(B) all species of the order Hydrocoral-
 2 lina (fire corals and hydrocorals) of the class
 3 Hydrozoa.

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

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

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

14 (a) IN GENERAL.—Section 804 of the Tropical For-
 15 est and Coral Reef Conservation Act of 1998 (22 U.S.C.
 16 2431b), as renamed by section 2(a), is amended by strik-
 17 ing “Tropical Forest Facility” and inserting “Conserva-
 18 tion Facility”.

19 (b) CONFORMING AMENDMENTS TO DEFINITIONS.—
 20 Section 803(8) of such Act (22 U.S.C. 2431a(8)) is
 21 amended—

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

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

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

9 **SEC. 5. ELIGIBILITY FOR BENEFITS.**

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

13 (1) by striking “tropical forest” and inserting
14 “tropical forest or coral reef”;

15 (2) by redesignating paragraph (2) as para-
16 graph (7); and

17 (3) by striking paragraph (1) and inserting the
18 following new paragraphs:

19 “(1) whose government is democratically elect-
20 ed;

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

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

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

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

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

17 “(B) as appropriate, structural or sectoral
18 adjustment loans from the International Bank
19 for Reconstruction and Development or the
20 International Development Association, unless
21 the President determines that the resulting ad-
22 justment requirements could reasonably be ex-
23 pected to have significant adverse social or envi-
24 ronmental effects;

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

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

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

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

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

22 “(C) UNITED STATES GOVERNMENT REP-
 23 RESENTATION ON THE ADMINISTERING
 24 BODY.—One or more individuals appointed by
 25 the United States Government shall serve in an

official capacity on the administering body that oversees the implementation of grants arising from a debt-for-nature swap or debt buyback regardless of whether the United States is a party to any agreement between the eligible purchaser and the government of the beneficiary country.”.

SEC. 8. CONSERVATION AGREEMENTS.

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

(1) in the section heading, by striking “**TROPICAL FOREST AGREEMENT**” and inserting “**CONSERVATION AGREEMENT**”; and

(2) in subsection (a)—

(A) by striking “AUTHORITY” and all that follows through “(1) IN GENERAL.—The Secretary” and inserting “AUTHORITY.—The Secretary”; and

(B) by striking “Tropical Forest Agreement” and inserting “Conservation Agreement”.

(b) ELIMINATION OF REQUIREMENT TO CONSULT WITH THE ENTERPRISE FOR THE AMERICAS BOARD.—

1 Such subsection is further amended by striking paragraph
2 (2).

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

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

16 (2) by amending subsection (f) to read as fol-
17 lows:

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

22 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
23 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.

2 “(9) \$20,000,000 for fiscal year 2021.

3 “(10) \$20,000,000 for fiscal year 2022.”; and

4 (2) by amending subsection (e) to read as fol-
5 lows:

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

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