

(1) to recognize the values received by United States citizens from protection of tropical forests and coral reef ecosystems;

(2) to facilitate greater protection of tropical forests and coral ecosystems (and to give priority to protecting areas with the highest levels of biodiversity and under the most severe threat) by providing for the alleviation of debt in countries where tropical forests and coral reef ecosystems are located, thus allowing the use of additional resources to protect these critical resources and reduce economic pressures that have led to deforestation;

(3) to ensure that resources freed from debt in such countries are targeted to protection of tropical forests and coral reef ecosystems and their associated values; and

(4) to rechannel existing resources to facilitate the protection of tropical forests and coral reef ecosystems.

(Pub. L. 87–195, pt. V, §802, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 885; amended Pub. L. 115–440, §3(a), Jan. 14, 2019, 132 Stat. 5580.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2431, Pub. L. 87–195, pt. V, §801, as added Pub. L. 93–189, §24, Dec. 17, 1973, 87 Stat. 728, authorized the President to furnish assistance for relief and reconstruction of South Vietnam, Cambodia, and Laos, prior to repeal by Pub. L. 94–329, title IV, §413(a), June 30, 1976, 90 Stat. 761.

A prior section 802 of Pub. L. 87–195, pt. V, was classified to section 2432 of this title prior to repeal by Pub. L. 94–329.

AMENDMENTS

2019—Subsec. (a)(1). Pub. L. 115–440, §3(a)(1), substituted “tropical forests and coral reef ecosystems” for “tropical forests”.

Subsec. (a)(2)(C). Pub. L. 115–440, §3(a)(2), struck out “far-flung” before “agricultural”.

Subsec. (a)(6). Pub. L. 115–440, §3(a)(1), substituted “tropical forests and coral reef ecosystems” for “tropical forests”.

Subsec. (a)(7). Pub. L. 115–440, §3(a)(3), substituted “tropical forests and coral reef ecosystems is critical to the protection of such areas” for “tropical forests is critical to the protection of tropical forests”.

Subsec. (b)(1). Pub. L. 115–440, §3(a)(1), substituted “tropical forests and coral reef ecosystems” for “tropical forests”.

Subsec. (b)(2). Pub. L. 115–440, §3(a)(4), substituted “protection of tropical forests and coral ecosystems” for “protection of tropical forests”, “protecting areas” for “protecting tropical forests”, and “where tropical forests and coral reef ecosystems” for “where tropical forests”.

Subsec. (b)(3), (4). Pub. L. 115–440, §3(a)(1), substituted “tropical forests and coral reef ecosystems” for “tropical forests”.

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of this subchapter as the “Tropical Forest and Coral Reef Conservation Act of 1998”, see section 801 of Pub. L. 87–195, set out as a note under section 2151 of this title.

§ 2431a. Definitions

As used in this subchapter:

(1) Administering body

The term “administering body” means the entity provided for in section 2431g(c) of this title.

(2) Appropriate congressional committees

The term “appropriate congressional committees” means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(3) Beneficiary country

The term “beneficiary country” means an eligible country with respect to which the authority of section 2431d(a)(1) of this title, section 2431e(a)(1) of this title, or paragraph (1) or (2) of section 2431f(a) of this title is exercised.

(4) Board

The term “Board” means the board referred to in section 2431i of this title.

(5) Developing country with a tropical forest or coral reef

The term “developing country with a tropical forest or coral reef” means—

(A)(i) a country that has a per capita income of \$725 or less in 1994 United States dollars (commonly referred to as “low-income country”), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; or

(ii) a country that has a per capita income of more than \$725 but less than \$8,956 in 1994 United States dollars (commonly referred to as “middle-income country”), as determined and adjusted on an annual basis by the International Bank for Reconstruction and Development in its World Development Report; and

(B) a country that contains at least one tropical forest or coral reef that is globally outstanding in terms of its biological diversity or represents one of the larger intact blocks of tropical forests or coral reefs left, on a regional, continental, or global scale.

(6) Eligible country

The term “eligible country” means a country designated by the President in accordance with section 2431c of this title.

(7) Conservation Agreement

The term “Conservation Agreement” or “Agreement” means a Conservation Agreement provided for in section 2431g of this title.

(8) Conservation Facility

The term “Conservation Facility” or “Facility” means the Conservation Facility established in the Department of the Treasury by section 2431b of this title.

(9) Conservation Fund

The term “Conservation Fund” or “Fund” means a Conservation Fund provided for in section 2431h of this title.

(10) Coral

The term “coral” means species of the phylum Cnidaria, including—

(A) all species of the orders Antipatharia (black corals), Scleractinia (stony corals), Alcyonacea (soft corals), Gorgonacea (horny corals), Stolonifera (organpipe corals and others), and Coenothecalia (blue coral), of the class Anthozoa;¹ and

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

(11) Coral reef

The term “coral reef” means any reef or shoal composed primarily of coral.

(12) Coral reef ecosystem

The term “coral reef ecosystem” means any coral reef and any coastal marine ecosystem surrounding, or directly related to, a coral reef and important to maintaining the ecological integrity of that coral reef, such as seagrasses, mangroves, sandy seabed communities, and immediately adjacent coastal areas.

(Pub. L. 87–195, pt. V, §803, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 886; amended Pub. L. 115–440, §§3(b), 4(b), 8(e), 9(b)(1), Jan. 14, 2019, 132 Stat. 5581, 5583, 5584.)

Editorial Notes

PRIOR PROVISIONS

A prior section 803 of Pub. L. 87–195, pt. V, was classified to section 2433 of this title prior to repeal by Pub. L. 94–329.

AMENDMENTS

2019—Par. (5). Pub. L. 115–440, §3(b)(1)(A), (B), substituted “tropical forest or coral reef” for “tropical forest” in heading and introductory provisions.

Par. (5)(B). Pub. L. 115–440, §3(b)(1)(C), substituted “tropical forest or coral reef” for “tropical forest” and “tropical forests or coral reefs” for “tropical forests”.

Par. (7). Pub. L. 115–440, §8(e), substituted “Conservation Agreement” for “Tropical Forest Agreement” in heading and in two places in text.

Par. (8). Pub. L. 115–440, §4(b), substituted “Conservation Facility” for “Tropical Forest Facility” in heading and in two places in text.

Par. (9). Pub. L. 115–440, §9(b)(1), substituted “Conservation Fund” for “Tropical Forest Fund” in heading and in two places in text.

Pars. (10) to (12). Pub. L. 115–440, §3(b)(2), added pars. (10) to (12).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 2431b. Establishment of Facility

There is established in the Department of the Treasury an entity to be known as the “Conservation Facility” for the purpose of providing for the administration of debt reduction in accordance with this subchapter.

(Pub. L. 87–195, pt. V, §804, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 887; amended Pub. L. 115–440, §4(a), Jan. 14, 2019, 132 Stat. 5581.)

¹ So in original. Probably should be “Anthozoa;”.

Editorial Notes

PRIOR PROVISIONS

A prior section 804 of Pub. L. 87–195, pt. V, was classified to section 2434 of this title prior to repeal by Pub. L. 94–329.

AMENDMENTS

2019—Pub. L. 115–440 substituted “Conservation Facility” for “Tropical Forest Facility”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Pub. L. 115–440, §4(c), Jan. 14, 2019, 132 Stat. 5582, provided that: “Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the ‘Tropical Forest Facility’ shall be deemed to be a reference to the ‘Conservation Facility’.”

§ 2431c. Eligibility for benefits

(a) In general

To be eligible for benefits from the Facility under this subchapter, a country shall be a developing country with a tropical forest or coral reef—

(1) whose government is democratically elected;

(2) whose government has not repeatedly provided support for acts of international terrorism;

(3) whose government is not failing to cooperate on international narcotics control matters;

(4) whose government (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights;

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

(A) an International Monetary Fund standby arrangement, extended Fund arrangement, or an arrangement under the structural adjustment facility or enhanced structural adjustment facility, or a Fund monitored program, or is implementing sound macroeconomic policies, unless the President determines that such an arrangement or program could reasonably be expected to have significant adverse social or environmental effect; and

(B) as appropriate, structural or sectoral adjustment loans from the International Bank for Reconstruction and Development or the International Development Association, unless the President determines that the resulting adjustment requirements could reasonably be expected to have significant adverse social or environmental effects;

(6) if appropriate, has¹ agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction; and

(7) that has put in place investment reforms, as evidenced by the conclusion of a bilateral investment treaty with the United States, implementation of an investment sector loan with the Inter-American Development Bank,

¹ So in original. Probably should be preceded by “that”.