

PUBLIC LAW 115-440—JAN. 14, 2019

TROPICAL FOREST CONSERVATION
REAUTHORIZATION ACT OF 2018

Public Law 115–440
115th Congress

An Act

Jan. 14, 2019
[S. 1023]

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Tropical Forest
Conservation
Reauthorization
Act of 2018.
22 USC 2151
note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

SEC. 2. AMENDMENT TO SHORT TITLE OF ACT TO ENCOMPASS MODIFIED SCOPE.

(a) **IN GENERAL.**—Section 801 of the Tropical Forest Conservation Act of 1998 (part V of Public Law 87–195; 22 U.S.C. 2151 note) is amended by striking “Tropical Forest Conservation Act of 1998” and inserting “Tropical Forest and Coral Reef Conservation Act of 1998”.

22 USC 2151
note.

(b) **REFERENCES.**—Any reference in any other provision of law, regulation, document, paper, or other record of the United States to the “Tropical Forest Conservation Act of 1998” shall be deemed to be a reference to the “Tropical Forest and Coral Reef Conservation Act of 1998”.

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

(a) **IN GENERAL.**—Section 802 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431), as renamed by section 2(a), is amended—

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

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

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

(4) in subsection (b)(2)—

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

(B) by striking “tropical forests” the second place it appears and inserting “areas”; and

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

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

(1) in paragraph (5)—

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

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

(C) in subparagraph (B)—

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

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

(2) by adding at the end the following new paragraphs:
“(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; 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.”.

SEC. 4. CHANGE TO NAME OF FACILITY.

(a) IN GENERAL.—Section 804 of the Tropical Forest and Coral Reef Conservation Act of 1998 (22 U.S.C. 2431b), as renamed by section 2(a), is amended by striking “Tropical Forest Facility” and inserting “Conservation Facility”.

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

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

(2) by striking “Tropical Forest Facility” both places it appears and inserting “Conservation Facility”.

22 USC 2431b
note.

(c) REFERENCES.—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”.

SEC. 5. ELIGIBILITY FOR BENEFITS.

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

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

(2) by redesignating paragraph (2) as paragraph (7); and

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

“(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, has agreed with its commercial bank lenders on a satisfactory financing program, including, as appropriate, debt or debt service reduction; and”.

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

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

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

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

President.
Determinations.

“(C) UNITED STATES GOVERNMENT REPRESENTATION ON THE ADMINISTERING BODY.—One or more individuals appointed by 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.—Such subsection is further amended by striking paragraph (2).

(c) ROLE OF BENEFICIARY COUNTRIES.—Such section is further amended—

(1) in subsection (e)(1)(C), by striking “in exceptional circumstances, the government of the beneficiary country” and inserting “in limited circumstances, the government of the beneficiary country when needed to improve governance and enhance management of tropical forests or coral reef ecosystems, without replacing existing levels of financial efforts by the government of the beneficiary country and with priority given to projects that complement grants made under subparagraphs (A) and (B)”; and

(2) by amending subsection (f) to read as follows:

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

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

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

(2) in subsection (d)—

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

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

(C) in paragraph (6), by striking “living in or near a tropical forest in a manner consistent with protecting such tropical forest” and inserting “dependent on a tropical forest or coral reef ecosystem and related resources in a manner consistent with conserving such resources”.

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

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

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

SEC. 9. CONSERVATION FUND.

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

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

(2) in subsection (a)—

(A) by striking “Tropical Forest Agreement” and inserting “Conservation Agreement”; and

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

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

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

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

(B) by striking “Tropical Forest Fund” both places it appears and inserting “Conservation Fund”;

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

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

SEC. 10. CHANGES TO DUE DATES OF ANNUAL REPORTS TO CONGRESS.

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

(1) in subsection (a)—

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

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

(2) by striking subsection (b).

SEC. 11. NEW AUTHORIZATION OF APPROPRIATIONS FOR THE REDUCTION OF DEBT AND AUTHORIZATION FOR AUDIT, EVALUATION, MONITORING, AND ADMINISTRATION EXPENSES.

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

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

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

“(8) \$20,000,000 for fiscal year 2020.”; and

(2) by amending subsection (e) to read as follows:

“(e) **USE OF FUNDS TO CONDUCT PROGRAM AUDITS, EVALUATIONS, MONITORING, AND ADMINISTRATION.**—Of the amounts made available to carry out this part for a fiscal year, \$300,000 is authorized to be made available to carry out audits, evaluations, monitoring, and administration of programs under this part, including

personnel costs associated with such audits, evaluations, monitoring and administration.”.

Approved January 14, 2019.

LEGISLATIVE HISTORY—S. 1023:

CONGRESSIONAL RECORD, Vol. 164 (2018):

Dec. 19, considered and passed Senate.

Dec. 21, considered and passed House.

