

115TH CONGRESS  
1ST SESSION

# S. 1023

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

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IN THE SENATE OF THE UNITED STATES

MAY 3, 2017

Mr. PORTMAN (for himself, Mr. BURR, Mr. WHITEHOUSE, Mr. UDALL, and Mr. SCHATZ) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## 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 2017”.

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 forests and coral reefs.
- Sec. 4. Change to name of facility.

Sec. 5. Eligibility for benefits.

Sec. 6. United States Government representation on oversight bodies for grants from debt-for-nature swaps and debt buybacks.

Sec. 7. Conservation agreements.

Sec. 8. Conservation Fund.

Sec. 9. Repeal of authority of the Enterprise for the Americas Board to carry out activities under the Tropical Forest Conservation Authorization Act of 1998.

Sec. 10. Changes to due dates of annual reports to Congress.

Sec. 11. Changes to International Monetary Fund criterion for country eligibility.

Sec. 12. 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 (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 Conservation Reauthorization Act of 2017”.

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 Conservation Reauthorization Act of  
 13 2017”.

## 14 **SEC. 3. PROTECTION OF FORESTS AND CORAL REEFS.**

15 (a) IN GENERAL.—Section 802 of the Tropical For-  
 16 est Conservation Reauthorization Act of 2017 (22 U.S.C.  
 17 2431), as renamed by section 2(a), is amended—

18 (1) in subsections (a)(1), (a)(6), (b)(1), (b)(3),  
 19 and (b)(4), by striking “tropical forests” each place

1 it appears and inserting “tropical forests, non-trop-  
 2 ical forests, and coral reef ecosystems”;

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

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

10 (4) in subsection (b)(2)—

11 (A) by striking “tropical forests” the first  
 12 place it appears and inserting “tropical forests,  
 13 non-tropical forests, and coral ecosystems”;

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

16 (C) by striking “tropical forests” the third  
 17 place it appears and inserting “tropical forests,  
 18 non-tropical forests, and coral reef ecosystems”.

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

21 (1) in paragraph (5)—

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

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

5 (C) in subparagraph (B)—

6 (i) by striking “tropical forest” and  
 7 inserting “tropical forest, non-tropical for-  
 8 est, or coral reef”; and

9 (ii) by striking “tropical forests” and  
 10 inserting “tropical forests, non-tropical for-  
 11 ests, or coral reefs”; and

12 (2) by adding at the end the following new  
 13 paragraphs:

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

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

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

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

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

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

11           (a) IN GENERAL.—Section 804 of the Tropical For-  
12           est Conservation Reauthorization Act of 2017 (22 U.S.C.  
13           2431b), as renamed by section 2(a), is amended by strik-  
14           ing “Tropical Forest Facility” and inserting “Conserva-  
15           tion Facility”.

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

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

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

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

6 **SEC. 5. ELIGIBILITY FOR BENEFITS.**

7 Section 805(a) of the Tropical Forest Conservation  
 8 Reauthorization Act of 2017 (22 U.S.C. 2431c(a)), as re-  
 9 named by section 2(a), is amended by striking “tropical  
 10 forest” and inserting “tropical forest, non-tropical forest,  
 11 or coral reef”.

12 **SEC. 6. UNITED STATES GOVERNMENT REPRESENTATION**  
 13 **ON OVERSIGHT BODIES FOR GRANTS FROM**  
 14 **DEBT-FOR-NATURE SWAPS AND DEBT**  
 15 **BUYBACKS.**

16 Section 808(a)(5) of the Tropical Forest Conserva-  
 17 tion Reauthorization Act of 2017 (22 U.S.C. 2431f(a)(5)),  
 18 as renamed by section 2(a), is amended by adding at the  
 19 end the following new subparagraph:

20 “(C) UNITED STATES GOVERNMENT REP-  
 21 RESENTATION ON THE ADMINISTERING  
 22 BODY.—One or more individuals appointed by  
 23 the United States Government may serve in an  
 24 official capacity on the administering body that  
 25 oversees the implementation of grants arising

1 from a debt-for-nature swap or debt buyback  
 2 regardless of whether the United States is a  
 3 party to any agreement between the eligible  
 4 purchaser and the government of the bene-  
 5 ficiary country.”.

6 **SEC. 7. CONSERVATION AGREEMENTS.**

7 (a) RENAMING OF AGREEMENTS.—Section 809 of  
 8 the Tropical Forest Conservation Reauthorization Act of  
 9 2017 (22 U.S.C. 2431g), as renamed by section 2(a), is  
 10 amended—

11 (1) in the section heading, by striking “**TROP-**  
 12 **ICAL FOREST AGREEMENT**” and inserting “**CON-**  
 13 **SERVATION AGREEMENT**”; and

14 (2) in subsection (a)—

15 (A) by striking “AUTHORITY” and all that  
 16 follows through “(1) IN GENERAL.—The Sec-  
 17 retary” and inserting “AUTHORITY.—The Sec-  
 18 retary”; and

19 (B) by striking “Tropical Forest Agree-  
 20 ment” and inserting “Conservation Agree-  
 21 ment”.

22 (b) ELIMINATION OF REQUIREMENT TO CONSULT  
 23 WITH THE ENTERPRISE FOR THE AMERICAS BOARD.—  
 24 Such subsection is further amended by striking paragraph  
 25 (2).

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

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

14 (2) by amending subsection (f) to read as fol-  
 15 lows:

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

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

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

25 (2) in subsection (d)—



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

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

7 (C) in paragraph (6), by striking “living in  
8 or near a tropical forest in a manner consistent  
9 with protecting such tropical forest” and insert-  
10 ing “dependent on a tropical forest, non-trop-  
11 ical forest, or coral reef ecosystem and related  
12 resources in a manner consistent with con-  
13 serving such resources”.

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

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

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

1 **SEC. 8. CONSERVATION FUND.**

2 (a) IN GENERAL.—Section 810 of the Tropical For-  
 3 est Conservation Reauthorization Act of 2017 (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. 9. REPEAL OF AUTHORITY OF THE ENTERPRISE FOR**  
 5 **THE AMERICAS BOARD TO CARRY OUT AC-**  
 6 **TIVITIES UNDER THE TROPICAL FOREST**  
 7 **CONSERVATION AUTHORIZATION ACT OF**  
 8 **1998.**

9       (a) IN GENERAL.—Section 811 of the Tropical For-  
 10 est Conservation Reauthorization Act of 2017 (22 U.S.C.  
 11 2431i), as renamed by section 2(a), is repealed.

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

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

15           (2) by redesignating paragraphs (5), (6), (7),  
 16       (8), and (9) as paragraphs (4), (5), (6), (7), and  
 17       (8), respectively.

18 **SEC. 10. CHANGES TO DUE DATES OF ANNUAL REPORTS TO**  
 19 **CONGRESS.**

20       Section 813 of the Tropical Forest Conservation Re-  
 21 authorization Act of 2017 (22 U.S.C. 2431k), as renamed  
 22 by section 2(a), is amended—

23           (1) in subsection (a)—

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

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

6 (2) by striking subsection (b).

7 **SEC. 11. CHANGES TO INTERNATIONAL MONETARY FUND**

8 **CRITERION FOR COUNTRY ELIGIBILITY.**

9 Section 703(a)(5) of the Foreign Assistance Act of  
 10 1961 (22 U.S.C. 2430b(a)(5)) is amended—

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

13 (2) in subparagraph (A)—

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

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

21 (3) in subparagraph (B), by striking “(after  
 22 consultation with the Enterprise for Americas  
 23 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 Conservation Re-  
 6 authorization Act of 2017 (22 U.S.C. 2431d), as renamed  
 7 by 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 2018.

11 “(8) \$20,000,000 for fiscal year 2019.

12 “(9) \$20,000,000 for fiscal year 2020.

13 “(10) \$20,000,000 for fiscal year 2021.”; and

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

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

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