

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.

S. 1023

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

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. PORTMAN

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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 1 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—

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

1 it appears and inserting “tropical forests and coral
2 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 and coral reef
8 ecosystems is critical to the protection of such
9 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 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 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 OR
24 CORAL REEF”;

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

4 (C) in subparagraph (B)—

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

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

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

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

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

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

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

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

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

9 (a) IN GENERAL.—Section 804 of the Tropical For-
10 est and Coral Reef Conservation Act of 1998 (22 U.S.C.
11 2431b), as renamed by section 2(a), is amended by strik-
12 ing “Tropical Forest Facility” and inserting “Conserva-
13 tion Facility”.

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

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

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

23 (c) REFERENCES.—Any reference in any other provi-
24 sion of law, regulation, document, paper, or other record
25 of the United States to the “Tropical Forest Facility”

1 shall be deemed to be a reference to the “Conservation
2 Facility”.

3 **SEC. 5. ELIGIBILITY FOR BENEFITS.**

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

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

9 (2) by redesignating paragraph (2) as para-
10 graph (7); and

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

13 “(1) whose government is democratically elect-
14 ed;

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

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

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

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

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

11 “(B) as appropriate, structural or sectoral
12 adjustment loans from the International Bank
13 for Reconstruction and Development or the
14 International Development Association, unless
15 the President determines that the resulting ad-
16 justment requirements could reasonably be ex-
17 pected to have significant adverse social or envi-
18 ronmental effects;

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

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

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

10 **SEC. 7. UNITED STATES GOVERNMENT REPRESENTATION**
11 **ON OVERSIGHT BODIES FOR GRANTS FROM**
12 **DEBT-FOR-NATURE SWAPS AND DEBT**
13 **BUYBACKS.**

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

18 “(C) UNITED STATES GOVERNMENT REP-
19 RESENTATION ON THE ADMINISTERING
20 BODY.—One or more individuals appointed by
21 the United States Government shall serve in an
22 official capacity on the administering body that
23 oversees the implementation of grants arising
24 from a debt-for-nature swap or debt buyback
25 regardless of whether the United States is a
26 party to any agreement between the eligible

1 purchaser and the government of the bene-
2 ficiary country.”.

3 **SEC. 8. CONSERVATION AGREEMENTS.**

4 (a) **RENAMING OF AGREEMENTS.**—Section 809 of
5 the Tropical Forest and Coral Reef Conservation Act of
6 1998 (22 U.S.C. 2431g), as renamed by section 2(a), is
7 amended—

8 (1) in the section heading, by striking “**TROP-**
9 **ICAL FOREST AGREEMENT**” and inserting “**CON-**
10 **SERVATION AGREEMENT**”; and

11 (2) in subsection (a)—

12 (A) by striking “**AUTHORITY**” and all that
13 follows through “(1) **IN GENERAL.**—The Sec-
14 retary” and inserting “**AUTHORITY.**—The Sec-
15 retary”; and

16 (B) by striking “Tropical Forest Agree-
17 ment” and inserting “Conservation Agree-
18 ment”.

19 (b) **ELIMINATION OF REQUIREMENT TO CONSULT**
20 **WITH THE ENTERPRISE FOR THE AMERICAS BOARD.**—
21 Such subsection is further amended by striking paragraph
22 (2).

23 (c) **ROLE OF BENEFICIARY COUNTRIES.**—Such sec-
24 tion is further amended—

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

12 (2) by amending subsection (f) to read as fol-
13 lows:

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

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

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

23 (2) in subsection (d)—

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

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

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

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

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

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

21 **SEC. 9. CONSERVATION FUND.**

22 (a) **IN GENERAL.**—Section 810 of the Tropical For-
23 est and Coral Reef Conservation Act of 1998 (22 U.S.C.
24 2431h), as renamed by section 2(a), is amended—

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

4 (2) in subsection (a)—

5 (A) by striking “Tropical Forest Agree-
6 ment” and inserting “Conservation Agree-
7 ment”; and

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

10 (b) CONFORMING AMENDMENTS TO DEFINITIONS.—

11 Such Act is further amended—

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

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

16 (B) by striking “Tropical Forest Fund”
17 both places it appears and inserting “Conserva-
18 tion Fund”;

19 (2) in section 806(c)(2) (22 U.S.C.
20 2431d(c)(2)), by striking “Tropical Forest Fund”
21 and inserting “Conservation Fund”; and

22 (3) in section 807(c)(2) (22 U.S.C.
23 2431e(c)(2)), by striking “Tropical Forest Fund”
24 and inserting “Conservation Fund”.

1 **SEC. 10. CHANGES TO DUE DATES OF ANNUAL REPORTS TO**
2 **CONGRESS.**

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

6 (1) in subsection (a)—

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

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

12 (2) by striking subsection (b).

13 **SEC. 11. NEW AUTHORIZATION OF APPROPRIATIONS FOR**
14 **THE REDUCTION OF DEBT AND AUTHORIZA-**
15 **TION FOR AUDIT, EVALUATION, MONITORING,**
16 **AND ADMINISTRATION EXPENSES.**

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

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

22 “(7) \$20,000,000 for fiscal year 2019.

23 “(8) \$20,000,000 for fiscal year 2020.

24 “(9) \$20,000,000 for fiscal year 2021.

25 “(10) \$20,000,000 for fiscal year 2022.”; and

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

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