

111TH CONGRESS
1ST SESSION

H. R. 52

To amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect tropical forests and coral reefs and associated coastal marine ecosystems, to reauthorize such Act through fiscal year 2011, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2009

Mr. KIRK (for himself and Mr. HASTINGS of Florida) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Tropical Forest Conservation Act of 1998 to provide debt relief to developing countries that take action to protect tropical forests and coral reefs and associated coastal marine ecosystems, to reauthorize such Act through fiscal year 2011, 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.**

4 This Act may be cited as the “Tropical Forest and
5 Coral Conservation Act”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Subsection (a) of section 802 of the
3 Tropical Forest Conservation Act of 1998 (22 U.S.C.
4 2431) is amended—

5 (1) in paragraphs (1), (6), and (7), by striking
6 “tropical forests” each place it appears and inserting
7 “tropical forests and coral reefs and associated
8 coastal marine ecosystems”;

9 (2) by redesignating paragraphs (3) through
10 (7) as paragraphs (4) through (8), respectively;

11 (3) by inserting after paragraph (2) the fol-
12 lowing:

13 “(3) Coral reefs and associated coastal marine
14 ecosystems provide a wide range of benefits to man-
15 kind by—

16 “(A) harboring more species per unit area
17 than any other marine habitat, providing the
18 basis for developing pharmaceutical products
19 and fostering a growing marine tourism sector;

20 “(B) providing a major source of food and
21 jobs for hundreds of millions of coastal resi-
22 dents; and

23 “(C) serving as natural storm barriers,
24 thus protecting vulnerable shorelines and com-
25 munities from storm waves and erosion.”; and

26 (4) in paragraph (4) (as redesignated)—

1 (A) by inserting “and coral reef and asso-
2 ciated coastal marine ecosystems” after “forest
3 resources”; and

4 (B) by inserting “and coral reef and asso-
5 ciated coastal marine ecosystem exploitation”
6 after “tropical deforestation”.

7 (b) PURPOSES.—Subsection (b) of such section is
8 amended—

9 (1) in paragraphs (1), (3), and (4), by striking
10 “tropical forests” each place it appears and inserting
11 “tropical forests and coral reefs and associated
12 coastal marine ecosystems”; and

13 (2) in paragraph (2)—

14 (A) by striking “tropical forests” the first
15 and third place it appears and inserting “trop-
16 ical forests and coral reefs and associated coast-
17 al marine ecosystems”;

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

20 (C) by inserting at the end before the
21 semicolon the following: “and unsustainable
22 coral reef and associated coastal marine eco-
23 system exploitation”.

1 **SEC. 3. DEFINITIONS.**

2 Section 803 of the Tropical Forest Conservation Act
3 of 1998 (22 U.S.C. 2431a) is amended—

4 (1) in paragraph (2)(A), by striking “Com-
5 mittee on International Relations” and inserting
6 “Committee on Foreign Affairs”;

7 (2) by striking paragraphs (4), (7), (8), and
8 (9);

9 (3) in paragraph (5)—

10 (A) in the heading, by striking “TROPICAL
11 FOREST” and inserting “TROPICAL FOREST OR
12 CORAL REEF OR ASSOCIATED COASTAL MARINE
13 ECOSYSTEM”;

14 (B) in the matter preceding subparagraph
15 (A), by striking “tropical forest” and inserting
16 “tropical forest or coral reef or associated
17 coastal marine ecosystem”; and

18 (C) in subparagraph (B)—

19 (i) by striking “tropical forest” and
20 inserting “tropical forest or coral reef or
21 associated coastal marine ecosystem”; and

22 (ii) by striking “tropical forests” and
23 inserting “tropical forests or coral reefs or
24 associated coastal marine ecosystems”;

25 (4) by redesignating paragraphs (5) and (6) as
26 paragraphs (9) and (10), respectively; and

1 (5) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) CONSERVATION AGREEMENT.—The term
4 ‘Conservation Agreement’ or ‘Agreement’ means a
5 Conservation Agreement provided for in section 809.

6 “(5) CONSERVATION FACILITY.—The term
7 ‘Conservation Facility’ or ‘Facility’ means the Con-
8 servation Facility established in the Department of
9 the Treasury by section 804.

10 “(6) CONSERVATION FUND.—The term ‘Con-
11 servation Fund’ or ‘Fund’ means a Conservation
12 Fund provided for in section 810.

13 “(7) 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 Anthozoa; and

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

1 “(8) CORAL REEF.—The term ‘coral reef’
2 means any reef or shoal composed primarily of cor-
3 als.”.

4 **SEC. 4. ESTABLISHMENT OF THE FACILITY.**

5 Section 804 of the Tropical Forest Conservation Act
6 of 1988 (22 U.S.C. 2431b) is amended by striking “Trop-
7 ical Forest Facility” and inserting “Conservation Facil-
8 ity”.

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

10 Section 805(a) of the Tropical Forest Conservation
11 Act of 1998 (22 U.S.C. 2431c(a)) is amended by striking
12 “tropical forest” and inserting “tropical forest or coral
13 reef or associated coastal marine ecosystem”.

14 **SEC. 6. REDUCTION OF DEBT OWED TO THE UNITED**
15 **STATES AS A RESULT OF CONCESSIONAL**
16 **LOANS UNDER THE FOREIGN ASSISTANCE**
17 **ACT OF 1961.**

18 (a) ADDITIONAL TERMS AND CONDITIONS.—Sub-
19 section (e)(2) of section 806 of the Tropical Forest Con-
20 servation Act of 1998 (22 U.S.C. 2431d) is amended by
21 striking “Tropical Forest Fund” and inserting “Conserva-
22 tion Fund”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Sub-
24 section (d)(6) of such section is amended by striking “fis-

1 cal year 2007” and inserting “each of the fiscal years
2 2007 through 2011”.

3 (c) USE OF FUNDS TO CONDUCT PROGRAM AUDITS,
4 EVALUATIONS, MONITORING, AND ADMINISTRATION.—
5 Subsection (e) of such section is amended to read as fol-
6 lows:

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

15 **SEC. 7. REDUCTION OF DEBT OWED TO THE UNITED**
16 **STATES AS A RESULT OF CREDITS EXTENDED**
17 **UNDER TITLE I OF THE AGRICULTURAL**
18 **TRADE DEVELOPMENT AND ASSISTANCE ACT**
19 **OF 1954.**

20 Section 807(c)(2) of the Tropical Forest Conserva-
21 tion Act of 1998 (22 U.S.C. 2431e(c)(2)) is amended by
22 striking “Tropical Forest Fund” and inserting “Conserva-
23 tion Fund”.

1 **SEC. 8. UNITED STATES GOVERNMENT REPRESENTATION**
2 **ON OVERSIGHT BODIES FOR GRANTS FROM**
3 **DEBT-FOR-NATURE SWAPS AND DEBT-**
4 **BUYBACKS.**

5 Section 808(a)(5) of the Tropical Forest Conserva-
6 tion Act of 1998 (22 U.S.C. 2431f(a)(5)) is amended by
7 adding at the end the following:

8 “(C) UNITED STATES GOVERNMENT REP-
9 RESENTATION ON THE ADMINISTERING
10 BODY.—One or more individuals appointed by
11 the United States Government may serve in an
12 official capacity on the administering body that
13 oversees the implementation of grants arising
14 from this debt-for-nature swap or debt buy-back
15 regardless of whether the United States is a
16 party to any agreement between the eligible
17 purchaser and the government of the bene-
18 ficiary country.”.

19 **SEC. 9. CONSERVATION AGREEMENT.**

20 (a) **AUTHORITY.**—Subsection (a) of section 809 of
21 the Tropical Forest Conservation Act of 1998 (22 U.S.C.
22 2431g) is amended—

23 (1) by striking “(a) **AUTHORITY.**—” and all
24 that follows through “The Secretary of State” and
25 inserting “(a) **AUTHORITY.**—The Secretary of
26 State”;

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

3 (3) by striking paragraph (2).

4 (b) ADMINISTERING BODY.—Subsection (c)(2)(A) of
5 such section is amended—

6 (1) in clause (i), by inserting at the end before
7 the semicolon the following: “to serve in an official
8 capacity”; and

9 (2) in clause (iii)(III), by inserting “or marine”
10 after “forestry”.

11 (c) ELIGIBLE ACTIVITIES.—Subsection (d) of such
12 section is amended—

13 (1) in the matter preceding paragraph (1), by
14 striking “the tropical forests” and inserting “trop-
15 ical forests or coral reefs or associated coastal ma-
16 rine ecosystems”;

17 (2) in paragraph (2), by inserting “and water”
18 after “land”;

19 (3) in paragraph (5), by striking “tropical for-
20 est”; and

21 (4) in paragraph (6), by striking “living in or
22 near a tropical forest in a manner consistent with
23 protecting such tropical forest” and inserting “de-
24 pendent on a tropical forest or coral reef or associ-
25 ated coastal marine ecosystem in a manner con-

1 sistent with protecting and conserving such re-
2 sources”.

3 (d) GRANT RECIPIENTS.—Subsection (e)(1) of such
4 section is amended—

5 (1) in subparagraph (A), by inserting “marine,”
6 after “forestry,”; and

7 (2) in subparagraph (C), by striking “in excep-
8 tional circumstances, the government of the bene-
9 ficiary country” and inserting “in limited cir-
10 cumstances, the government of the beneficiary coun-
11 try when needed to improve governance and enhance
12 management of tropical forests or coral reefs or as-
13 sociated coastal marine ecosystems, without replac-
14 ing existing levels of financial efforts by the govern-
15 ment of the beneficiary country and with priority
16 given to projects that complement grants made
17 under subparagraphs (A) and (B)”.

18 (e) REVIEW OF LARGER GRANTS.—Subsection (f) of
19 such section is amended to read as follows:

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

1 (f) CONFORMING AMENDMENT.—The heading of
2 such section is amended by striking “**TROPICAL FOR-**
3 **EST**” and inserting “**CONSERVATION**”.

4 **SEC. 10. CONSERVATION FUND.**

5 (a) ESTABLISHMENT.—Subsection (a) of section 810
6 of the Tropical Forest Conservation Act of 1998 (22
7 U.S.C. 2431h) is amended—

8 (1) by striking “Tropical Forest Agreement”
9 and inserting “Conservation Agreement”; and

10 (2) by striking “Tropical Forest Fund” and in-
11 serting “Conservation Fund”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
13 Such section is amended—

14 (1) in subsection (b), by striking “terms as con-
15 ditions” and inserting “terms and conditions”; and

16 (2) in the heading, by striking “**TROPICAL**
17 **FOREST**” and inserting “**CONSERVATION**”.

18 **SEC. 11. BOARD.**

19 Section 811 of the Tropical Forest Conservation Act
20 of 1998 (22 U.S.C. 2431i) is hereby repealed.

21 **SEC. 12. ANNUAL REPORTS TO THE CONGRESS.**

22 Section 813 of the Tropical Forest Conservation Act
23 of 1998 (22 U.S.C. 2431k) is amended—

24 (1) by striking “(a) IN GENERAL.—”;

1 (2) by striking “December 31” and inserting
2 “April 15”;

3 (3) by striking “fiscal year” each place it ap-
4 pears and inserting “calendar year”; and

5 (4) by striking subsection (b).

6 **SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.**

7 (a) **PART HEADING.**—The heading of part V of the
8 Foreign Assistance Act of 1961 is amended by striking
9 **“TROPICAL FORESTS”** and inserting **“TROPICAL FOR-**
10 **ESTS OR CORAL REEFS OR ASSOCIATED COASTAL**
11 **MARINE ECOSYSTEMS”**.

12 (b) **SHORT TITLE.**—

13 (1) **AMENDMENT.**—Section 801 of the Tropical
14 Forest Conservation Act of 1998 (22 U.S.C. 2151
15 note) is amended by striking “Tropical Forest Con-
16 servation Act of 1998” and inserting “Tropical For-
17 est and Coral Conservation Act of 2009”.

18 (2) **REFERENCES.**—Any reference in a law, reg-
19 ulation, document, or other record of the United
20 States to the Tropical Forest Conservation Act of
21 1998 shall be deemed to be a reference to the Trop-
22 ical Forest and Coral Conservation Act of 2009.

23 (c) **REDESIGNATION.**—Part V of the Foreign Assist-
24 ance Act of 1961 (22 U.S.C. 2431 et seq.) is amended

1 by redesignating sections 812 and 813 as sections 811 and
2 812, respectively.

3 (d) OTHER AMENDMENTS.—Section 703(a)(5) of the
4 Foreign Assistance Act of 1961 (22 U.S.C. 2430b(a)(5))
5 is amended—

6 (1) in the matter preceding subparagraph (A),
7 by striking “or, as appropriate in exceptional cir-
8 cumstances,” and inserting “or”; and

9 (2) in subparagraph (A), by striking “or an ar-
10 rangement under the structural adjustment facility
11 or enhanced structural adjustment facility, or in ex-
12 ceptional circumstances, a Fund monitored program
13 or its equivalent,” and inserting “an arrangement
14 under the structural adjustment facility or enhanced
15 structural adjustment facility, a Fund monitored
16 program, or is implementing sound macroeconomic
17 policies,”.

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