

Calendar No. 368

118TH CONGRESS
2^D SESSION

S. 618

To establish the United States Foundation for International Conservation to promote long-term management of protected and conserved areas, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 1, 2023

Mr. COONS (for himself, Mr. GRAHAM, Mr. WHITEHOUSE, Mr. TILLIS, Mr. HEINRICH, Mr. BOOZMAN, Mr. RICKETTS, Mr. KAINE, and Mr. SCOTT of South Carolina) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

MAY 7, 2024

Reported by Mr. CARDIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To establish the United States Foundation for International Conservation to promote long-term management of protected and conserved areas, 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 “United States Founda-~~
5 ~~tion for International Conservation Act of 2023”.~~

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
4 **TEES.**—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committee on Appropriations of
7 the Senate;

8 (B) the Committee on Foreign Relations of
9 the Senate;

10 (C) the Committee on Appropriations of
11 the House of Representatives; and

12 (D) the Committee on Foreign Affairs of
13 the House of Representatives.

14 (2) **BOARD.**—The term “Board” means the
15 Board of Directors established pursuant to section
16 4(a).

17 (3) **DIRECTOR.**—The term “Director” means—

18 (A) an initial member of the Board ap-
19 pointed pursuant to section 4(a)(2)(C); or

20 (B) a member of the Board selected to fill
21 a vacancy pursuant to section 4(a)(3)(B).

22 (4) **ELIGIBLE COUNTRY.**—The term “eligible
23 country” means any of the countries described in
24 section 7(b).

1 (5) ELIGIBLE PROJECT.—The term “eligible
2 project” means any of the projects described in sec-
3 tion 7(a)(2).

4 (6) EXECUTIVE DIRECTOR.—The term “Execu-
5 tive Director” means the Executive Director of the
6 Foundation hired pursuant to section 4(b).

7 (7) FOUNDATION.—The term “Foundation”
8 means the United States Foundation for Inter-
9 national Conservation established pursuant to sec-
10 tion 3(a).

11 (8) SECRETARY.—The term “Secretary” means
12 the Secretary of State.

13 **SEC. 3. UNITED STATES FOUNDATION FOR INTERNATIONAL**
14 **CONSERVATION.**

15 (a) ESTABLISHMENT.—

16 (1) IN GENERAL.—Not later than 180 days
17 after the date of the enactment of this Act, the Sec-
18 retary shall establish the United States Foundation
19 for International Conservation.

20 (2) INDEPENDENCE.—The Foundation is not
21 an agency or instrumentality of the United States
22 Government.

23 (3) TAX-EXEMPT STATUS.—The Board shall
24 take all necessary and appropriate steps to ensure
25 that the Foundation is an organization described in

1 subsection (c) of section 501 of the Internal Revenue
2 Code of 1986, which exempts the organization from
3 taxation under subsection (a) of such section.

4 (4) TERMINATION OF OPERATIONS.—The
5 Foundation shall terminate operations on the date
6 that is 10 years after the date on which it is estab-
7 lished pursuant to paragraph (1).

8 (b) PURPOSES.—The purposes of the Foundation
9 are—

10 (1) to promote effective, long-term management
11 of protected and conserved areas and their contig-
12 uous buffer zones in eligible countries;

13 (2) to advocate for, incentivize, accept, and ad-
14 minister governmental and nongovernmental funds,
15 including donations from the private sector, to in-
16 crease the availability and predictability of financing
17 for long-term management of protected and con-
18 served areas;

19 (3) to close critical gaps in public international
20 conservation efforts by—

21 (A) increasing private sector investment,
22 including investments from philanthropic enti-
23 ties; and

1 (B) collaborating with partners providing
2 bilateral and multilateral financing to support
3 enhanced coordination;

4 (4) to identify and financially support imple-
5 mentation-ready projects—

6 (A) that promote long-term management
7 of protected and conserved areas and their con-
8 tiguous buffer zones in eligible countries, in-
9 cluding supporting the management of terres-
10 trial, coastal, freshwater, and marine protected
11 areas, parks, community conservancies, indige-
12 nous reserves, conservation easements, and bio-
13 logical reserves; and

14 (B) that provide effective area-based con-
15 servation measures, consistent with internation-
16 ally recognized best practices and standards for
17 environmental and social safeguards; and

18 (5) to coordinate with, and otherwise support
19 and assist, foreign governments, private sector enti-
20 ties, local communities, Indigenous Peoples, and
21 other stakeholders in undertaking biodiversity con-
22 servation activities—

23 (A) to achieve sustainable biodiversity con-
24 servation outcomes; and

1 (~~B~~) to improve local security, governance,
2 food security, and economic opportunities.

3 **SEC. 4. GOVERNANCE OF THE FOUNDATION.**

4 (~~a~~) **BOARD OF DIRECTORS.—**

5 (~~1~~) **GOVERNANCE.—**The Foundation shall be
6 governed by a Board of Directors.

7 (~~2~~) **COMPOSITION.—**

8 (~~A~~) **IN GENERAL.—**The Board shall be
9 composed of—

10 (~~i~~) the Directors described in subpara-
11 graph (~~B~~); and

12 (~~ii~~) Appointed Directors described in
13 subparagraph (~~C~~).

14 (~~B~~) **DIRECTORS.—**The following individ-
15 uals, or designees of such individuals, shall
16 serve as Directors:

17 (~~i~~) The Secretary of State.

18 (~~ii~~) The Administrator of the United
19 States Agency for International Develop-
20 ment.

21 (~~iii~~) The Secretary of the Interior.

22 (~~iv~~) The Chief of the United States
23 Forest Service.

24 (~~v~~) The Administrator of the National
25 Oceanic and Atmospheric Administration.

1 (C) APPOINTED DIRECTORS.—The Sec-
 2 retary, in consultation with the other Directors
 3 described in subparagraph (B), shall appoint,
 4 as Directors of the Board—

5 (i) 4 private-sector committed donors;

6 and

7 (ii) 5 independent experts who rep-
 8 resent diverse points of view, to the max-
 9 imum extent practicable.

10 (D) QUALIFICATIONS.—Each independent
 11 expert appointed pursuant to subparagraph (C)
 12 shall be knowledgeable and experienced in mat-
 13 ters relating to—

14 (i) international development;

15 (ii) protected area management and
 16 the conservation of global biodiversity, fish
 17 and wildlife, ecosystem restoration, adapta-
 18 tion, and resilience; and

19 (iii) grantmaking in support of inter-
 20 national conservation.

21 (E) CHAIRPERSON.—The Board shall
 22 elect, from among its Directors, a Chairperson,
 23 who shall serve for a 2-year term.

24 (3) TERMS; VACANCIES.—

25 (A) TERMS.—

1 (i) ~~IN GENERAL.~~—The term of service
 2 of each Director appointed pursuant to
 3 paragraph ~~(2)(C)~~ shall be not more than 5
 4 years.

5 (ii) ~~INITIAL APPOINTED DIRECTORS.~~—
 6 Of the initial Directors appointed pursuant
 7 to paragraph ~~(2)(C)~~—

8 (I) ~~5~~ Directors, including at least
 9 ~~2~~ private-sector committed donors,
 10 shall serve for 4 years; and

11 (II) 4 Directors shall serve for 5
 12 years, as determined by the Chair-
 13 person of the Board.

14 (B) ~~VACANCIES.~~—Any vacancy in the
 15 membership of the appointed Directors of the
 16 Board—

17 (i) shall be filled in accordance with
 18 the bylaws of the Foundation by a private-
 19 sector committed donor or an independent
 20 expert who meets the qualifications under
 21 subparagraph ~~(C)(ii)(A)~~, as applicable, as
 22 represented by the vacating Director;

23 (ii) shall not affect the power of the
 24 remaining appointed Directors to execute
 25 the duties of the Board; and

1 (iii) shall be filled by an individual se-
2 lected by the Board.

3 (4) QUORUM.—A majority of the current mem-
4 bership of the Board shall constitute a quorum for
5 the transaction of Foundation business.

6 (5) MEETINGS.—

7 (A) IN GENERAL.—The Board shall meet
8 at the call of the Chairperson not less fre-
9 quently than annually.

10 (B) INITIAL MEETING.—Not later than 60
11 days after the Board is established pursuant to
12 section 3(a), the Secretary shall convene a
13 meeting of the ex-officio Directors and the ap-
14 pointed Directors of the Board to incorporate
15 the Foundation.

16 (C) REMOVAL.—Any Director who misses
17 3 consecutive regularly scheduled meetings may
18 be removed from the Board.

19 (6) REIMBURSEMENT OF EXPENSES.—Directors
20 of the Board shall serve without pay, but may be re-
21 imbursed for the actual and necessary traveling and
22 subsistence expenses incurred in the performance of
23 the duties of the Foundation.

24 (7) NOT FEDERAL EMPLOYEES.—Appointment
25 as a Director of the Board shall not constitute em-

1 employment by, or the holding of an office of, the
2 United States for purposes of any Federal law.

3 ~~(8) DUTIES.—~~The Board shall—

4 ~~(A)~~ establish bylaws for the Foundation in
5 accordance with paragraph ~~(9)~~;

6 ~~(B)~~ provide overall direction for the activi-
7 ties of the Foundation and establish priority ac-
8 tivities;

9 ~~(C)~~ carry out any other necessary activities
10 of the Foundation;

11 ~~(D)~~ evaluate the performance of the Exec-
12 utive Director; and

13 ~~(E)~~ not less frequently than annually, con-
14 sult and coordinate with stakeholders qualified
15 to provide advice, assistance, and information
16 regarding effective protected and conserved
17 area management.

18 ~~(9) BYLAWS.—~~

19 ~~(A) IN GENERAL.—~~The bylaws established
20 pursuant to paragraph ~~(8)~~(A) may include—

21 ~~(i)~~ policies for the selection of Direc-
22 tors of the Board and officers; employees;
23 agents; and contractors of the Foundation;

24 ~~(ii)~~ policies, including ethical stand-
25 ards; for—

1 (I) the acceptance, solicitation,
2 and disposition of donations and
3 grants to the Foundation; and

4 (II) the disposition of assets of
5 the Foundation;

6 (iii) policies that subject all employ-
7 ees, fellows, trainees, and other agents of
8 the Foundation (including ex-officio Direc-
9 tors and appointed Directors of the Board)
10 to conflict of interest standards; and

11 (iv) the specific duties of the Execu-
12 tive Director.

13 (B) REQUIREMENTS.—The Board shall en-
14 sure that the bylaws of the Foundation and the
15 activities carried out under such bylaws do
16 not—

17 (i) reflect unfavorably on the ability of
18 the Foundation to carry out activities in a
19 fair and objective manner; or

20 (ii) compromise, or appear to com-
21 promise, the integrity of any governmental
22 agency or program, or any officer or em-
23 ployee employed by, or involved in, a gov-
24 ernmental agency or program.

1 (b) EXECUTIVE DIRECTOR.—The Board shall hire an
2 Executive Director of the Foundation, who shall serve, at
3 the pleasure of the Board, as the Chief Executive Officer
4 of the Foundation.

5 (c) FOUNDATION STAFF.—Officers and employees of
6 the Foundation—

7 (1) may not be employees of, or hold any office
8 in, the United States Government; and

9 (2) shall be appointed without regard to the
10 provisions of—

11 (A) title 5, United States Code, governing
12 appointments in the competitive service; and

13 (B) chapter 51 and subchapter III of chap-
14 ter 53 of such title, relating to classification
15 and General Schedule pay rates.

16 (d) LIMITATION AND CONFLICTS OF INTERESTS.—

17 (1) POLITICAL PARTICIPATION.—The Founda-
18 tion may not participate or intervene in any political
19 campaign on behalf of any candidate for public of-
20 fice in any country.

21 (2) FINANCIAL INTERESTS.—Any Director of
22 the Board or officer or employee of the Foundation
23 is prohibited from participating, directly or indi-
24 rectly, in the consideration or determination of any
25 question before the Foundation affecting—

1 (A) the financial interests of such Director,
2 officer, or employee; and

3 (B) the interests of any corporation, part-
4 nership, entity, or organization in which such
5 Director, officer, or employee has any fiduciary
6 obligation or direct or indirect financial inter-
7 est.

8 **SEC. 5. CORPORATE POWERS AND OBLIGATIONS OF THE**
9 **FOUNDATION.**

10 (a) **GENERAL AUTHORITY.—**

11 (1) **IN GENERAL.—**The Foundation—

12 (A) shall have perpetual succession unless
13 dissolved by an Act of Congress;

14 (B) may conduct business throughout the
15 States, territories, and possessions of the
16 United States and in foreign countries;

17 (C) shall have its principal offices in the
18 Washington, DC metropolitan area; and

19 (D) shall continuously maintain a des-
20 ignated agent in Washington, DC who is au-
21 thorized to accept notice or service of process
22 on behalf of the Foundation.

23 (2) **NOTICE AND SERVICE OF PROCESS.—**The
24 serving of notice to, or service of process upon, the
25 agent referred to in paragraph (1)(D), or mailed to

1 the business address of such agent, shall be deemed
2 as service upon, or notice to, the Foundation.

3 ~~(3) SEAL.~~—The Foundation shall have an offi-
4 cial seal, which shall be selected by the Board and
5 judicially noticed.

6 ~~(b) AUTHORITIES.~~—In addition to powers explicitly
7 authorized under this Act, the Foundation, in order to
8 carry out the purposes described in section 3(b), shall have
9 the usual powers of a corporation headquartered in Wash-
10 ington, DC, including the authority—

11 ~~(1) to accept, receive, solicit, hold, administer,~~
12 ~~and use any gift, devise, or bequest, either absolutely~~
13 ~~or in trust, or real or personal property or any in-~~
14 ~~come derived from such gift or property, or other in-~~
15 ~~terest in such gift or property;~~

16 ~~(2) to acquire by donation, gift, devise, pur-~~
17 ~~chase, or exchange any real or personal property or~~
18 ~~interest in such property;~~

19 ~~(3) unless otherwise required by the instrument~~
20 ~~of transfer, to sell, donate, lease, invest, reinvest, re-~~
21 ~~tain, or otherwise dispose of any property or income~~
22 ~~derived from such property;~~

23 ~~(4) to borrow money and issue bonds, deben-~~
24 ~~tures, or other debt instruments;~~

1 (5) to complain and defend itself in any court
2 of competent jurisdiction (except that the Directors
3 of the Board shall not be personally liable, except for
4 gross negligence);

5 (6) to enter into contracts or other arrange-
6 ments with public agencies, private organizations,
7 and persons and to make such payments as may be
8 necessary to carry out the purposes of such con-
9 tracts or arrangements; and

10 (7) to award grants for eligible projects, in ac-
11 cordance with section 7.

12 (c) PROPERTY INTERESTS.—

13 (1) INTEREST IN REAL PROPERTY.—In this
14 subsection, the term “interest in real property” in-
15 cludes—

16 (A) mineral and water rights;

17 (B) rights of way; and

18 (C) easements appurtenant or in gross.

19 (2) IN GENERAL.—The Foundation may ac-
20 quire, hold, and dispose of lands, waters, and other
21 interests in real property by donation, gift, devise,
22 purchase, or exchange.

23 (3) LIMITS TO PROPERTY RIGHTS.—A gift, de-
24 vise, or bequest may be accepted by the Foundation
25 even though it is encumbered, restricted, or subject

1 to beneficial interests of private persons if any cur-
 2 rent or future interest therein is for the benefit of
 3 the Foundation.

4 (d) FEDERAL FUNDS.—

5 (1) IN GENERAL.—The Foundation may—

6 (A) hold Federal funds made available, but
 7 not immediately disbursed; and

8 (B) use any interest or other investment
 9 income earned on such Federal funds to carry
 10 out the purposes of the Foundation under this
 11 Act.

12 (2) LIMITATION.—Investments made pursuant
 13 to paragraph (1)(B) may only be made in—

14 (A) interest-bearing obligations of the
 15 United States; or

16 (B) obligations guaranteed as to both prin-
 17 cipal and interest by the United States.

18 (e) LIMITATION OF PUBLIC LIABILITY.—The United
 19 States shall not be liable for any debts, defaults, acts, or
 20 omissions of the Foundation.

21 **SEC. 6. SAFEGUARDS AND ACCOUNTABILITY.**

22 (a) SAFEGUARDS.—The Foundation shall develop,
 23 and incorporate into any agreement for support provided
 24 by the Foundation, appropriate safeguards, policies, and
 25 guidelines, consistent with internationally recognized best

1 practices and standards for environmental and social safe-
2 guards.

3 (b) INDEPENDENT ACCOUNTABILITY MECHANISM.—

4 (1) IN GENERAL.—The Foundation shall estab-
5 lish a transparent and independent accountability
6 mechanism, which shall provide—

7 (A) a compliance review function that as-
8 sesses whether Foundation-supported projects
9 adhere to the requirements developed pursuant
10 to subsection (a);

11 (B) a dispute resolution function for re-
12 solving concerns between complainants and
13 project implementers regarding the impacts of
14 specific Foundation-supported projects with re-
15 spect to such standards; and

16 (C) an advisory function that reports to
17 the Foundation on projects, policies, and prac-
18 tices.

19 (2) DUTIES.—The accountability mechanism
20 shall—

21 (A) report annually to the Board and to
22 the appropriate congressional committees re-
23 garding the Foundation's compliance with inter-
24 nationally recognized best practices and stand-
25 ards in accordance with paragraph (1)(A);

1 ~~(B)(i)~~ have permanent staff to conduct
2 compliance reviews and dispute resolutions; or

3 ~~(ii)~~ maintain a roster of experts to serve
4 such roles, to the extent needed; and

5 ~~(C)~~ hold a public comment period lasting
6 not fewer than 60 days regarding the initial de-
7 sign of the accountability mechanism.

8 **SEC. 7. PROJECTS AND GRANTS.**

9 ~~(a)~~ **PROJECT FUNDING REQUIREMENTS.—**

10 ~~(1)~~ **IN GENERAL.—**The Foundation shall—

11 ~~(A)~~ fund eligible projects that support its
12 mission to provide long-term funding for the ef-
13 fective management of protected and conserved
14 areas and their contiguous buffer zones in eligi-
15 ble countries; and

16 ~~(B)~~ recognize the importance of a land-
17 scape or seascape approach to conservation that
18 includes buffer zones, wildlife dispersal and cor-
19 ridor areas, and other effective area-based con-
20 servation measures.

21 ~~(2)~~ **ELIGIBLE PROJECTS.—**Eligible projects
22 shall include projects that—

23 ~~(A)~~ focus on supporting—

24 ~~(i)~~ long-term management of pro-
25 tected or conserved areas and their contig-

1 uous buffer zones in countries described in
2 subsection (b), including terrestrial, coast-
3 al, and marine-protected or conserved
4 areas, parks, community conservancies, in-
5 digenous reserves, conservation easements,
6 and biological reserves; and

7 (ii) other effective area-based con-
8 servation measures;

9 (B) are cost-matched from sources other
10 than the United States Government;

11 (C) have host country and local population
12 support, as evidenced by a long-term binding
13 memorandum of understanding signed by the
14 host government that respects free, prior, and
15 informed consent of affected communities;

16 (D) incorporate a set of key performance
17 indicators;

18 (E) demonstrate robust local community
19 engagement, with the completion of appropriate
20 environmental and social due diligence, includ-
21 ing—

22 (i) free, prior, and informed consent
23 of Indigenous Peoples and consultation
24 with relevant local communities;

1 (ii) equitable governance structures;

2 and

3 (iii) effective grievance mechanisms;

4 ~~(F)~~ create economic opportunities for local
5 communities, through activities such as—

6 (i) equity and profit-sharing;

7 (ii) employment activities; and

8 (iii) other economic growth activities;

9 ~~(G)~~ provide stable baseline funding for the
10 effective management of the protected or con-
11 served area project;

12 ~~(H)~~ are implementation ready; and

13 ~~(I)~~ where possible, demonstrate a plan to
14 strengthen the capacity of, and transfer skills
15 to, local institutions to manage the protected or
16 conserved area before or after grant funding is
17 exhausted.

18 ~~(b) ELIGIBLE COUNTRIES.—~~

19 ~~(1) IN GENERAL.—~~Before awarding any grants
20 or entering into any project agreements for a given
21 fiscal year, the Board shall conduct a review of
22 countries in which the Foundation shall be eligible
23 to fund projects to determine which countries—

24 ~~(A)~~ are low-income, lower-middle-income,

25 or upper-middle-income economies (as defined

1 by the International Bank for Reconstruction
2 and Development and the International Devel-
3 opment Association;

4 (B) have—

5 (i) a high degree of biological diver-
6 sity; or

7 (ii) species or ecosystems of signifi-
8 cant importance; and

9 (C) have demonstrated a commitment to
10 conservation through actions, such as protecting
11 lands and waters through the gazettelement of
12 national parks, community conservancies, ma-
13 rine reserves and protected areas, forest re-
14 serves, and other legally recognized forms of
15 place-based conservation.

16 (2) IDENTIFICATION OF ELIGIBLE COUN-
17 TRIES.—Not later than 5 days after the date on
18 which the Board determines which countries are eli-
19 gible countries for a given fiscal year, the Executive
20 Director shall—

21 (A) submit a report to the appropriate con-
22 gressional committees that includes—

23 (i) a list of all such eligible countries;
24 and

1 (ii) a justification for such eligibility
2 determinations; and

3 ~~(B)~~ publish the information contained in
4 the report described in paragraph ~~(A)~~ in the
5 Federal Register.

6 ~~(c) GRANTMAKING.—~~

7 ~~(1) IN GENERAL.—~~In order to maximize its
8 program effects, the Foundation should—

9 ~~(A)~~ seek to coordinate with other inter-
10 national public and private donors to the extent
11 possible;

12 ~~(B)~~ seek additional financial and non-
13 financial contributions and commitments for its
14 projects from host governments; and

15 ~~(C)~~ strive to generate a partnership men-
16 tality among all participants, including public
17 and private funders, host governments, local
18 protected areas authorities, and private and
19 nongovernmental organization partners.

20 ~~(2) GRANT CRITERIA.—~~Foundation grants—

21 ~~(A)~~ shall fund the management of well-de-
22 fined protected or conserved areas and the sys-
23 tems of such conservation areas in eligible
24 countries;

1 (B) should provide adequate baseline fund-
2 ing for at least 10 years, without replacing or
3 duplicating existing baseline funding, for each
4 protected and conserved area and the system
5 that supports that area in an amount sufficient
6 to maintain the effective management of the
7 area over the long term;

8 (C) should, during the grant period, dem-
9 onstrate progress in achieving clearly identified
10 key performance indicators (as defined in the
11 grant agreement), which may include—

12 (i) the protection of biological diver-
13 sity;

14 (ii) the protection of native flora and
15 habitats, such as trees, forests, grasslands,
16 mangroves, coral reefs, and sea grass;

17 (iii) community-based economic
18 growth indicators, such as improved land
19 tenure, increases in beneficiaries partici-
20 pating in economic growth activities, and
21 sufficient income from conservation activi-
22 ties being directed to communities in
23 project areas;

24 (iv) improved management of the pro-
25 tected or conserved area covered by the

1 project, as documented through the sub-
 2 mission of strategic plans or annual re-
 3 ports to the Foundation; and

4 (v) the identification of additional rev-
 5 enue sources or sustainable financing
 6 mechanisms to meet the recurring costs of
 7 management of the protected or conserved
 8 areas; and

9 (D) may be terminated if the Board deter-
 10 mines that the project is not meeting applicable
 11 requirements under this Act or making progress
 12 in achieving the key performance indicators de-
 13 fined in the grant agreement.

14 **SEC. 8. PROHIBITION OF SUPPORT IN COUNTRIES THAT**
 15 **SUPPORT TERRORISM OR VIOLATE HUMAN**
 16 **RIGHTS AND OF SUPPORT FOR SANCTIONED**
 17 **PERSONS.**

18 (a) **IN GENERAL.**—The Foundation may not provide
 19 support for any government, or any entity owned or con-
 20 trolled by a government, if the Secretary has determined
 21 that such government—

22 (1) has repeatedly provided support for acts of
 23 international terrorism, as determined under—

1 (A) section 1754(c)(1)(A)(i) of the Export
2 Control Reform Act of 2018 (subtitle B of title
3 XVII of Public Law 115–232);

4 (B) section 620A(a) of the Foreign Assist-
5 ance Act of 1961 (22 U.S.C. 2371(a));

6 (C) section 40(d) of the Arms Export Con-
7 trol Act (22 U.S.C. 2780(d)); or

8 (D) any other relevant provision of law; or
9 (2) has engaged in a consistent pattern of gross
10 violations of internationally recognized human
11 rights, as determined under section 116(a) or
12 502B(a)(2) of the Foreign Assistance Act of 1961
13 (22 U.S.C. 2151n(a) and 2304(a)(2)) or any other
14 relevant provision of law.

15 (b) PROHIBITION OF SUPPORT FOR SANCTIONED
16 PERSONS.—The Foundation may not engage in any deal-
17 ing prohibited under United States sanctions laws or regu-
18 lations, including dealings with persons on the list of spe-
19 cially designated persons and blocked persons maintained
20 by the Office of Foreign Assets Control of the Department
21 of the Treasury, except to the extent otherwise authorized
22 by the Secretary or by the Secretary of the Treasury.

23 (c) PROHIBITION OF SUPPORT FOR ACTIVITIES SUB-
24 JECT TO SANCTIONS.—The Foundation shall require any
25 person receiving support to certify that such person, and

1 any entity owned or controlled by such person, is in com-
2 pliance with all United States sanctions laws and regula-
3 tions.

4 **SEC. 9. ANNUAL REPORT.**

5 Not later than 360 days after the date of the enact-
6 ment of this Act, and annually thereafter while the Foun-
7 dation continues to operate, the Executive Director of the
8 Foundation shall submit a report to the appropriate con-
9 gressional committees that describes—

10 (1) the goals of the Foundation;

11 (2) the programs, projects, and activities sup-
12 ported by the Foundation;

13 (3) private and governmental contributions to
14 the Foundation; and

15 (4) the standardized criteria utilized to deter-
16 mine the programs and activities supported by the
17 Foundation, including baselines, targets, desired out-
18 comes, measurable goals, and extent to which those
19 goals are being achieved for each project.

20 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) **IN GENERAL.**—There are authorized to be appro-
22 priated to the Foundation \$100,000,000 for each of the
23 fiscal years 2024 through 2033 to carry out the purposes
24 of this Act.

1 (b) **COST MATCHING REQUIREMENT.**—Amounts ap-
 2 propriated pursuant to subsection (a) may only be made
 3 available to grantees to the extent such grantees secure
 4 funding for an eligible project from sources other than the
 5 United States Government in an amount that is not less
 6 than the amount received in grants for such project pursu-
 7 ant to section 7.

8 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

9 (a) **SHORT TITLE.**—*This Act may be cited as the*
 10 *“United States Foundation for International Conservation*
 11 *Act of 2024”.*

12 (b) **TABLE OF CONTENTS.**—*The table of contents for*
 13 *this Act is as follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. Definitions.*
- Sec. 3. United States Foundation for International Conservation.*
- Sec. 4. Governance of the Foundation.*
- Sec. 5. Corporate powers and obligations of the Foundation.*
- Sec. 6. Safeguards and accountability.*
- Sec. 7. Projects and grants.*
- Sec. 8. Prohibition of support for certain governments.*
- Sec. 9. Annual report.*
- Sec. 10. Authorization of appropriations.*

14 **SEC. 2. DEFINITIONS.**

15 *In this Act:*

16 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
 17 **TEES.**—*The term “appropriate congressional commit-*
 18 *tees” means—*

19 (A) *the Committee on Foreign Relations of*
 20 *the Senate;*

1 (B) the Committee on Appropriations of the
2 Senate;

3 (C) the Committee on Foreign Affairs of the
4 House of Representatives; and

5 (D) the Committee on Appropriations of the
6 House of Representatives.

7 (2) *BOARD.*—The term “Board” means the
8 Board of Directors established pursuant to section
9 4(a).

10 (3) *ELIGIBLE COUNTRY.*—The term “eligible
11 country” means any country described in section
12 7(b).

13 (4) *ELIGIBLE PROJECT.*—The term “eligible
14 project” means any project described in section
15 7(a)(2).

16 (5) *EXECUTIVE DIRECTOR.*—The term “Execu-
17 tive Director” means the Executive Director of the
18 Foundation hired pursuant to section 4(b).

19 (6) *FOUNDATION.*—The term “Foundation”
20 means the United States Foundation for Inter-
21 national Conservation established pursuant to section
22 3(a).

23 (7) *SECRETARY.*—The term “Secretary” means
24 the Secretary of State.

1 **SEC. 3. UNITED STATES FOUNDATION FOR INTERNATIONAL**
2 **CONSERVATION.**

3 (a) *ESTABLISHMENT.*—

4 (1) *IN GENERAL.*—Not later than 180 days after
5 the date of the enactment of this Act, the Secretary
6 shall establish the United States Foundation for
7 International Conservation (referred to in this Act as
8 the “Foundation”), which shall be operated as a char-
9 itable, nonprofit corporation.

10 (2) *INDEPENDENCE.*—The Foundation is not an
11 agency or instrumentality of the United States Gov-
12 ernment.

13 (3) *TAX-EXEMPT STATUS.*—The Board shall take
14 all necessary and appropriate steps to ensure that the
15 Foundation is an organization described in subsection
16 (c) of section 501 of the Internal Revenue Code of
17 1986, which exempt the organization from taxation
18 under subsection (a) of such section.

19 (4) *TERMINATION OF OPERATIONS.*—The Foun-
20 dation shall terminate operations on the date that is
21 10 years after the date on which the Foundation be-
22 comes operational, in accordance with—

23 (A) a plan for winding down the activities
24 of the Foundation that the Board shall submit to
25 the appropriate congressional committees not

1 *later than 180 days before such termination*
2 *date; and*

3 *(B) the bylaws established pursuant to sec-*
4 *tion 4(b)(13).*

5 **(b) PURPOSES.**—*The purposes of the Foundation*
6 *are—*

7 *(1) to provide grants for the responsible manage-*
8 *ment of designated priority primarily protected and*
9 *conserved areas in eligible countries that have a high*
10 *degree of biodiversity or species and ecosystems of sig-*
11 *nificant ecological value;*

12 *(2) to promote responsible, long-term manage-*
13 *ment of primarily protected and conserved areas and*
14 *their contiguous buffer zones;*

15 *(3) to incentivize, leverage, accept, and effectively*
16 *administer governmental and nongovernmental funds,*
17 *including donations from the private sector, to in-*
18 *crease the availability and predictability of financing*
19 *for responsible, long-term management of primarily*
20 *protected and conserved areas in eligible countries;*

21 *(4) to help close critical gaps in public inter-*
22 *national conservation efforts in eligible countries*
23 *by—*

1 (A) increasing private sector investment, in-
2 cluding investments from philanthropic entities;
3 and

4 (B) collaborating with partners providing
5 bilateral and multilateral financing to support
6 enhanced coordination, including public and
7 private funders, partner governments, local pro-
8 tected areas authorities, and private and non-
9 governmental organization partners;

10 (5) to identify and financially support viable
11 projects that—

12 (A) promote responsible, long-term manage-
13 ment of primarily protected and conserved areas
14 and their contiguous buffer zones in eligible
15 countries, including support for the management
16 of terrestrial, coastal, freshwater, and marine
17 protected areas, parks, community conservancies,
18 Indigenous reserves, conservation easements, and
19 biological reserves; and

20 (B) provide effective area-based conservation
21 measures, consistent with best practices and
22 standards for environmental and social safe-
23 guards; and

24 (6) to coordinate with, consult, and otherwise
25 support and assist, governments, private sector enti-

1 *ties, local communities, Indigenous Peoples, and other*
 2 *stakeholders in eligible countries in undertaking bio-*
 3 *diversity conservation activities—*

4 *(A) to achieve measurable and enduring*
 5 *biodiversity conservation outcomes; and*

6 *(B) to improve local security, governance,*
 7 *food security, and economic opportunities.*

8 *(c) PLAN OF ACTION.—*

9 *(1) IN GENERAL.—Not later than 6 months after*
 10 *the establishment of the Foundation, the Executive*
 11 *Director shall submit for approval from the Board an*
 12 *initial 3-year Plan of Action to implement the pur-*
 13 *poses of this Act, including—*

14 *(A) a description of the priority actions to*
 15 *be undertaken by the Foundation over the pro-*
 16 *ceeding 3-year period, including a timeline for*
 17 *implementation of such priority actions;*

18 *(B) descriptions of the processes and cri-*
 19 *teria by which—*

20 *(i) eligible countries, in which eligible*
 21 *projects may be selected to receive assistance*
 22 *under this Act, will be identified;*

23 *(ii) grant proposals for Foundation ac-*
 24 *tivities in eligible countries will be devel-*
 25 *oped, evaluated, and selected; and*

1 (iii) grant implementation will be
2 monitored and evaluated;

3 (C) the projected staffing and budgetary re-
4 quirements of the Foundation during the pro-
5 ceeding 3-year period.

6 (D) a plan to maximize commitments from
7 private sector entities to fund the Foundation.

8 (2) *SUBMISSION.*—*The Executive Director shall*
9 *submit the initial Plan of Action to the appropriate*
10 *congressional committees not later than 5 days after*
11 *the Plan of Action is approved by the Board.*

12 (3) *UPDATES.*—*The Executive Director shall an-*
13 *nually update the Plan of Action and submit each*
14 *such updated plan to the appropriate congressional*
15 *committees not later than 5 days after the update plan*
16 *is approved by the Board.*

17 **SEC. 4. GOVERNANCE OF THE FOUNDATION.**

18 (a) *EXECUTIVE DIRECTOR.*—*There shall be in the*
19 *Foundation an Executive Director, who—*

20 (1) *shall manage the Foundation; and*

21 (2) *shall report to, and be under the direct au-*
22 *thority, of the Board.*

23 (b) *BOARD OF DIRECTORS.*—

24 (1) *GOVERNANCE.*—*The Foundation shall be gov-*
25 *erned by a Board of Directors, which—*

1 (A) shall perform the functions specified to
2 be carried out by the Board under this Act; and

3 (B) may prescribe, amend, and repeal by-
4 laws, rules, regulations, and procedures gov-
5 erning the manner in which the business of the
6 Foundation may be conducted and in which the
7 powers granted to it by law may be exercised.

8 (2) *MEMBERSHIP*.—The Board shall be composed
9 of—

10 (A) the Secretary of State, the Adminis-
11 trator of the United States Agency for Inter-
12 national Development, the Secretary of the Inte-
13 rior, the Chief of the United States Forest Serv-
14 ice, and the Administrator of the National Oce-
15 anic and Atmospheric Administration, or the
16 Senate-confirmed designees of such officials; and

17 (B) 8 other individuals, who shall be ap-
18 pointed by the Secretary, in consultation with
19 the members of the Board described in subpara-
20 graph (A), the Speaker and Minority Leader of
21 the House of Representatives, and the President
22 Pro Tempore and Minority Leader of the Senate,
23 of whom—

1 (i) 4 members shall be private-sector
2 donors making financial contributions to
3 the Foundation; and

4 (ii) 4 members shall be independent ex-
5 perts who, in addition to meeting the quali-
6 fication requirements described in para-
7 graph (3), represent diverse points of view
8 and diverse geographies, to the maximum
9 extent practicable.

10 (3) *QUALIFICATIONS.*—Each member of the
11 Board appointed pursuant to paragraph (2)(B) shall
12 be knowledgeable and experienced in matters relating
13 to—

14 (A) international development;

15 (B) protected area management and the
16 conservation of global biodiversity, fish and wild-
17 life, ecosystem restoration, adaptation, and resil-
18 ience; and

19 (C) grantmaking in support of inter-
20 national conservation.

21 (4) *POLITICAL AFFILIATION.*—Not more than 5
22 of the members appointed to the Board pursuant to
23 paragraph (2)(B) may be affiliated with the same po-
24 litical party.

1 (5) *CONFLICTS OF INTEREST.*—*Any individual*
2 *with business interests, financial holdings, or control-*
3 *ling interests in any entity that has sought support,*
4 *or is receiving support, from the Foundation may not*
5 *be appointed to the Board during the 5-year period*
6 *immediately preceding such appointment.*

7 (6) *CHAIRPERSON.*—*The Board shall elect, from*
8 *among its members, a Chairperson, who shall serve*
9 *for a 2-year term.*

10 (7) *TERMS; VACANCIES.*—

11 (A) *TERMS.*—

12 (i) *IN GENERAL.*—*The term of service*
13 *of each member of the Board appointed pur-*
14 *suant to paragraph (2)(B) shall be not more*
15 *than 5 years.*

16 (ii) *INITIAL APPOINTED DIRECTORS.*—
17 *Of the initial members of the Board ap-*
18 *pointed pursuant to paragraph (2)(B)—*

19 (I) *4 members, including at least*
20 *2 private-sector donors making finan-*
21 *cial contributions to the Foundation,*
22 *shall serve for 4 years; and*

23 (II) *4 members shall serve for 5*
24 *years, as determined by the Chair-*
25 *person of the Board.*

1 (B) *VACANCIES.*—*Any vacancy in the*
2 *Board—*

3 (i) *shall be filled in the manner in*
4 *which the original appointment was made;*
5 *and*

6 (ii) *shall not affect the power of the re-*
7 *maining appointed members of the Board to*
8 *execute the duties of the Board.*

9 (8) *QUORUM.*—*A majority of the current mem-*
10 *bership of the Board, including the Secretary or the*
11 *Secretary's designee, shall constitute a quorum for the*
12 *transaction of Foundation business.*

13 (9) *MEETINGS.*—

14 (A) *IN GENERAL.*—*The Board shall meet*
15 *not less frequently than annually at the call of*
16 *the Chairperson. Such meetings may be in per-*
17 *son, virtual, or hybrid.*

18 (B) *INITIAL MEETING.*—*Not later than 60*
19 *days after the Board is established pursuant to*
20 *section 3(a), the Secretary of State shall convene*
21 *a meeting of the ex-officio members of the Board*
22 *and the appointed members of the Board to in-*
23 *corporate the Foundation.*

24 (C) *REMOVAL.*—*Any member of the Board*
25 *appointed pursuant to paragraph (2)(B) who*

1 *misses 3 consecutive regularly scheduled meetings*
2 *may be removed by a majority vote of the Board.*

3 (10) *REIMBURSEMENT OF EXPENSES.*—

4 (A) *IN GENERAL.*—*Members of the Board*
5 *shall serve without pay, but may be reimbursed*
6 *for the actual and necessary traveling and sub-*
7 *sistence expenses incurred in the performance of*
8 *the duties of the Foundation.*

9 (B) *LIMITATION.*—*Expenses incurred out-*
10 *side the United States may be reimbursed under*
11 *this paragraph if at least 2 members of the*
12 *Board concurrently incurred such expenses. Such*
13 *reimbursements—*

14 (i) *shall be available exclusively for ac-*
15 *tual costs incurred by members of the Board*
16 *up to the published daily per diem rate for*
17 *lodging, meals, and incidentals; and*

18 (ii) *shall not include first-class, busi-*
19 *ness-class, or travel in any class other than*
20 *Economy Class or Coach Class.*

21 (C) *OTHER EXPENSES.*—*All other expenses,*
22 *including salaries for officers and staff of the*
23 *Foundation, shall be established by a majority*
24 *vote of the Board, as proposed by the Executive*
25 *Director on no less than an annual basis.*

1 (11) *NOT FEDERAL EMPLOYEES.*—Appointment
2 as a member of the Board and employment by the
3 Foundation does not constitute employment by, or the
4 holding of an office of, the United States for purposes
5 of any Federal law.

6 (12) *DUTIES.*—The Board shall—

7 (A) establish bylaws for the Foundation in
8 accordance with paragraph (13);

9 (B) provide overall direction for the activi-
10 ties of the Foundation and establish priority ac-
11 tivities;

12 (C) carry out any other necessary activities
13 of the Foundation;

14 (D) evaluate the performance of the Execu-
15 tive Director;

16 (E) take steps to limit the administrative
17 expenses of the Foundation; and

18 (F) not less frequently than annually, con-
19 sult and coordinate with stakeholders qualified to
20 provide advice, assistance, and information re-
21 garding effective protected and conserved area
22 management.

23 (13) *BYLAWS.*—

1 (A) *IN GENERAL.*—*The bylaws required to*
2 *be established under paragraph (12)(A) shall in-*
3 *clude—*

4 (i) *the specific duties of the Executive*
5 *Director;*

6 (ii) *policies and procedures for the se-*
7 *lection of members of the Board and officers,*
8 *employees, agents, and contractors of the*
9 *Foundation;*

10 (iii) *policies, including ethical stand-*
11 *ards, for—*

12 (I) *the acceptance, solicitation,*
13 *and disposition of donations and*
14 *grants to the Foundation; and*

15 (II) *the disposition of assets of the*
16 *Foundation upon the dissolution of the*
17 *Foundation;*

18 (iv) *policies that subject all imple-*
19 *menting partners, employees, fellows, train-*
20 *ees, and other agents of the Foundation (in-*
21 *cluding ex-officio members of the Board and*
22 *appointed members of the Board) to strin-*
23 *gent ethical and conflict of interest stand-*
24 *ards;*

1 (v) removal and exclusion procedures
2 for implementing partners, employees, fel-
3 lows, trainees, and other agents of the Foun-
4 dation (including ex-officio members of the
5 Board and appointed members of the
6 Board) who fail to uphold the ethical and
7 conflict of interest standards established
8 pursuant to clause (iii);

9 (vi) policies for winding down the ac-
10 tivities of the Foundation upon its dissolu-
11 tion, including a plan—

12 (I) to return unspent appropri-
13 ations to the Treasury of the United
14 States; and

15 (II) to donate unspent private
16 and philanthropic contributions to
17 projects that align with the goals and
18 requirements described in section 7;

19 (vii) policies for vetting implementing
20 partners and grantees to ensure the Foun-
21 dation does not provide grants to for profit
22 entities whose primary objective is activities
23 other than conservation activities; and

24 (viii) clawback policies and procedures
25 to be incorporated into grant agreements to

1 *ensure compliance with the policies referred*
2 *to in clause (vii).*

3 *(B) REQUIREMENTS.—The Board shall en-*
4 *sure that the bylaws of the Foundation and the*
5 *activities carried out under such bylaws do*
6 *not—*

7 *(i) reflect unfavorably on the ability of*
8 *the Foundation to carry out activities in a*
9 *fair and objective manner; or*

10 *(ii) compromise, or appear to com-*
11 *promise, the integrity of any governmental*
12 *agency or program, or any officer or em-*
13 *ployee employed by, or involved in, a gov-*
14 *ernmental agency or program.*

15 *(c) FOUNDATION STAFF.—Officers and employees of*
16 *the Foundation—*

17 *(1) may not be employees of, or hold any office*
18 *in, the United States Government;*

19 *(2) may not serve in the employ of any non-*
20 *governmental organization, project, or person related*
21 *to or affiliated with any grantee of the Foundation*
22 *while employed by the Foundation;*

23 *(3) may not receive compensation from any*
24 *other source for work performed in carrying out the*

1 *duties of the Foundation while employed by the Foun-*
 2 *ation; and*

3 *(4) should not receive a salary at a rate that is*
 4 *greater than the maximum rate of basic pay author-*
 5 *ized for positions at level I of the Executive Schedule*
 6 *under section 5312 of title 5, United States Code.*

7 *(d) LIMITATION AND CONFLICTS OF INTERESTS.—*

8 *(1) POLITICAL PARTICIPATION.—The Foundation*
 9 *may not—*

10 *(A) lobby for political or policy issues; or*

11 *(B) participate or intervene in any polit-*
 12 *ical campaign in any country.*

13 *(2) FINANCIAL INTERESTS.—As determined by*
 14 *the Board and set forth in the bylaws established pur-*
 15 *suant to subsection (b)(13), and consistent with best*
 16 *practices, any member of the Board or officer or em-*
 17 *ployee of the Foundation shall be prohibited from*
 18 *participating, directly or indirectly, in the consider-*
 19 *ation or determination of any question before the*
 20 *Foundation affecting—*

21 *(A) the financial interests of such member*
 22 *of the Board, or officer or employee of the Foun-*
 23 *ation, not including such member's Foundation*
 24 *expenses and compensation; and*

1 (B) *the interests of any corporation, part-*
 2 *nership, entity, or organization in which such*
 3 *member of the Board, officer, or employee has*
 4 *any fiduciary obligation or direct or indirect fi-*
 5 *nancial interest.*

6 (3) *RECUSALS.—Any member of the Board that*
 7 *has a business, financial, or familial interest in an*
 8 *organization or community seeking support from the*
 9 *Foundation shall recuse himself or herself from all de-*
 10 *liberations, meetings, and decisions concerning the*
 11 *consideration and decision relating to such support.*

12 (4) *PROJECT INELIGIBILITY.—The Foundation*
 13 *may not provide support to individuals or entities*
 14 *with business, financial, or familial ties to—*

15 (A) *a current member of the Board; or*

16 (B) *a former member of the Board during*
 17 *the 5-year period immediately following the last*
 18 *day of the former member’s term on the Board.*

19 **SEC. 5. CORPORATE POWERS AND OBLIGATIONS OF THE**
 20 **FOUNDATION.**

21 (a) *GENERAL AUTHORITY.—*

22 (1) *IN GENERAL.—The Foundation—*

23 (A) *may conduct business in foreign coun-*
 24 *tries;*

1 (B) shall have its principal offices in the
2 Washington, DC, metropolitan area; and

3 (C) shall continuously maintain a des-
4 ignated agent in Washington, DC, who is au-
5 thorized to accept notice or service of process on
6 behalf of the Foundation.

7 (2) NOTICE AND SERVICE OF PROCESS.—The
8 serving of notice to, or service of process upon, the
9 agent referred to in paragraph (1)(C), or mailed to
10 the business address of such agent, shall be deemed as
11 service upon, or notice to, the Foundation.

12 (3) AUDITS.—The Foundation shall be subject to
13 the general audit authority of the Comptroller Gen-
14 eral of the United States under section 3523 of title
15 31, United States Code.

16 (b) AUTHORITIES.—In addition to powers explicitly
17 authorized under this Act, the Foundation, in order to carry
18 out the purposes described in section 3(b), shall have the
19 usual powers of a corporation headquartered in Wash-
20 ington, DC, including the authority—

21 (1) to accept, receive, solicit, hold, administer,
22 and use any gift, devise, or bequest, either absolutely
23 or in trust, or real or personal property or any in-
24 come derived from such gift or property, or other in-

1 *terest in such gift or property located in the United*
2 *States;*

3 *(2) to acquire by donation, gift, devise, purchase,*
4 *or exchange any real or personal property or interest*
5 *in such property located in the United States;*

6 *(3) unless otherwise required by the instrument*
7 *of transfer, to sell, donate, lease, invest, reinvest, re-*
8 *tain, or otherwise dispose of any property or income*
9 *derived from such property located in the United*
10 *States;*

11 *(4) to complain and defend itself in any court*
12 *of competent jurisdiction (except that the members of*
13 *the Board shall not be personally liable, except for*
14 *gross negligence);*

15 *(5) to enter into contracts or other arrangements*
16 *with public agencies, private organizations, and per-*
17 *sons and to make such payments as may be necessary*
18 *to carry out the purposes of such contracts or ar-*
19 *rangements; and*

20 *(6) to award grants for eligible projects, in ac-*
21 *cordance with section 7.*

22 *(c) LIMITATION OF PUBLIC LIABILITY.—The United*
23 *States shall not be liable for any debts, defaults, acts, or*
24 *omissions of the Foundation. The Federal Government shall*

1 *be held harmless from any damages or awards ordered by*
 2 *a court against the Foundation.*

3 **SEC. 6. SAFEGUARDS AND ACCOUNTABILITY.**

4 *(a) SAFEGUARDS.—The Foundation shall develop, and*
 5 *incorporate into any agreement for support provided by the*
 6 *Foundation, appropriate safeguards, policies, and guide-*
 7 *lines, consistent with United States law and best practices*
 8 *and standards for environmental and social safeguards.*

9 *(b) INDEPENDENT ACCOUNTABILITY MECHANISM.—*

10 *(1) IN GENERAL.—The Secretary, or the Sec-*
 11 *retary’s designee, shall establish a transparent and*
 12 *independent accountability mechanism, consistent*
 13 *with best practices, which shall provide—*

14 *(A) a compliance review function that as-*
 15 *sesses whether Foundation-supported projects ad-*
 16 *here to the requirements developed pursuant to*
 17 *subsection (a);*

18 *(B) a dispute resolution function for resolv-*
 19 *ing and remedying concerns between complain-*
 20 *ants and project implementers regarding the im-*
 21 *pacts of specific Foundation-supported projects*
 22 *with respect to such standards; and*

23 *(C) an advisory function that reports to the*
 24 *Board on projects, policies, and practices.*

1 (2) *DUTIES.—The accountability mechanism*
2 *shall—*

3 (A) *report annually to the Board and the*
4 *appropriate congressional committees regarding*
5 *the Foundation’s compliance with best practices*
6 *and standards in accordance with paragraph*
7 *(1)(A) and the nature and resolution of any*
8 *complaint;*

9 (B)(i) *have permanent staff, led by an inde-*
10 *pendent accountability official, to conduct com-*
11 *pliance reviews and dispute resolutions and per-*
12 *form advisory functions; and*

13 (ii) *maintain a roster of experts to serve*
14 *such roles, to the extent needed; and*

15 (C) *hold a public comment period lasting*
16 *not fewer than 60 days regarding the initial de-*
17 *sign of the accountability mechanism.*

18 (c) *INTERNAL ACCOUNTABILITY.—The Foundation*
19 *shall establish an ombudsman position at a senior level of*
20 *executive staff as a confidential, neutral source of informa-*
21 *tion and assistance to anyone affected by the activities of*
22 *the Foundation.*

23 (d) *ANNUAL REVIEW.—The Secretary shall, periodi-*
24 *cally, but not less frequent than annually, review assistance*
25 *provided by the Foundation for the purpose of imple-*

1 *menting section 3(b) to ensure consistency with the provi-*
 2 *sions under section 620M of Foreign Assistance Act of 1961*
 3 *(22 U.S.C. 2378d).*

4 **SEC. 7. PROJECTS AND GRANTS.**

5 *(a) PROJECT FUNDING REQUIREMENTS.—*

6 *(1) IN GENERAL.—The Foundation shall—*

7 *(A) provide grants to support eligible*
 8 *projects described in paragraph (3) that advance*
 9 *its mission to enable effective management of*
 10 *primarily protected and conserved areas and*
 11 *their contiguous buffer zones in eligible countries;*

12 *(B) advance effective landscape or seascape*
 13 *approaches to conservation that include buffer*
 14 *zones, wildlife dispersal and corridor areas, and*
 15 *other effective area-based conservation measures;*
 16 *and*

17 *(C) not purchase, own, or lease land, in-*
 18 *cluding conservation easements, in eligible coun-*
 19 *tries.*

20 *(2) ELIGIBLE ENTITIES.—Eligible entities shall*
 21 *include—*

22 *(A) not-for-profit organizations with dem-*
 23 *onstrated expertise in protected and conserved*
 24 *area management and economic development;*

1 (B) governments of eligible partner coun-
2 tries, as determined by subsection (b), with the
3 exception of governments and government enti-
4 ties that are prohibited from receiving grants
5 from the Foundation pursuant to section 8; and

6 (C) Indigenous and local communities in
7 such eligible countries.

8 (3) *ELIGIBLE PROJECTS.*—Eligible projects shall
9 include projects that—

10 (A) focus on supporting—

11 (i) transparent and effective long-term
12 management of primarily protected or con-
13 served areas and their contiguous buffer
14 zones in countries described in subsection
15 (b), including terrestrial, coastal, and ma-
16 rine protected or conserved areas, parks,
17 community conservancies, Indigenous re-
18 serves, conservation easements, and biologi-
19 cal reserves; and

20 (ii) other effective area-based conserva-
21 tion measures;

22 (B) are cost-matched at a ratio of not less
23 than \$2 from sources other than the United
24 States for every \$1 made available under this
25 Act;

1 (C) are subject to long-term binding memo-
2 randa of understanding with the governments of
3 eligible countries and local communities—

4 (i) to ensure that local populations
5 have access, resource management respon-
6 sibilities, and the ability to pursue permis-
7 sible, sustainable economic activity on af-
8 fected lands; and

9 (ii) that may be signed by governments
10 in such eligible countries to ensure free,
11 prior, and informed consent of affected com-
12 munities;

13 (D) incorporate a set of key performance
14 and impact indicators;

15 (E) demonstrate robust local community en-
16 gagement, with the completion of appropriate en-
17 vironmental and social due diligence, includ-
18 ing—

19 (i) free, prior, and informed consent of
20 Indigenous Peoples and relevant local com-
21 munities;

22 (ii) inclusive governance structures;
23 and

24 (iii) effective grievance mechanisms;

1 (F) create economic opportunities for local
2 communities, including through—

3 (i) equity and profit-sharing;

4 (ii) cooperative management of natural
5 resources;

6 (iii) employment activities; and

7 (iv) other related economic growth ac-
8 tivities;

9 (G) leverage stable baseline funding for the
10 effective management of the primarily protected
11 or conserved area project; and

12 (H) to the extent possible—

13 (i) are viable and prepared for imple-
14 mentation; and

15 (ii) demonstrate a plan to strengthen
16 the capacity of, and transfer skills to, local
17 institutions to manage the primarily pro-
18 tected or conserved area before or after
19 grant funding is exhausted.

20 (b) *ELIGIBLE COUNTRIES.*—

21 (1) *IN GENERAL.*—Pursuant to the Plan of Ac-
22 tion required under section 3(c), and before awarding
23 any grants or entering into any project agreements
24 for any fiscal year, the Board shall conduct a review
25 to identify eligible countries in which the Foundation

1 *may fund projects. Such review shall consider coun-*
2 *tries that—*

3 *(A) are low-income, lower middle-income, or*
4 *upper-middle-income economies (as defined by*
5 *the International Bank for Reconstruction and*
6 *Development and the International Development*
7 *Association);*

8 *(B) have—*

9 *(i) a high degree of threatened or at-*
10 *risk biological diversity; or*

11 *(ii) species or ecosystems of significant*
12 *importance, including threatened or endan-*
13 *gered species or ecosystems at risk of deg-*
14 *radation or destruction;*

15 *(C) have demonstrated a commitment to*
16 *conservation through verifiable actions, such as*
17 *protecting lands and waters through the*
18 *gazettement of national parks, community con-*
19 *servancies, marine reserves and protected areas,*
20 *forest reserves, or other legally recognized forms*
21 *of place-based conservation; and*

22 *(D) are not ineligible to receive United*
23 *States foreign assistance pursuant to any other*
24 *provision of law, including laws identified in*
25 *section 8.*

1 (2) *IDENTIFICATION OF ELIGIBLE COUNTRIES.*—
2 *Not later than 5 days after the date on which the*
3 *Board determines which countries are eligible to re-*
4 *ceive assistance under this Act for a fiscal year, the*
5 *Executive Director shall—*

6 (A) *submit a report to the appropriate con-*
7 *gressional committees that includes—*

8 (i) *a list of all such eligible countries,*
9 *as determined through the review process*
10 *described in paragraph (1); and*

11 (ii) *a detailed justification for each*
12 *such eligibility determination, including—*

13 (I) *an analysis of why the eligible*
14 *country would be suitable for partner-*
15 *ship;*

16 (II) *an evaluation of the eligible*
17 *partner country's interest in and abil-*
18 *ity to participate meaningfully in pro-*
19 *posed Foundation activities, including*
20 *an evaluation of such eligible country's*
21 *prospects to substantially benefit from*
22 *Foundation assistance;*

23 (III) *an estimation of each such*
24 *eligible partner country's commitment*
25 *to conservation; and*

1 (IV) *an assessment of the capacity*
2 *and willingness of the eligible country*
3 *to enact or implement reforms that*
4 *might be necessary to maximize the*
5 *impact and effectiveness of Foundation*
6 *support; and*

7 (B) *publish the information contained in*
8 *the report described in subparagraph (A) in the*
9 *Federal Register.*

10 (c) *GRANTMAKING.—*

11 (1) *IN GENERAL.—In order to maximize pro-*
12 *gram effectiveness, the Foundation shall—*

13 (A) *coordinate with other international*
14 *public and private donors to the greatest extent*
15 *practicable and appropriate;*

16 (B) *seek additional financial and non-*
17 *financial contributions and commitments for its*
18 *projects from governments in eligible countries;*

19 (C) *strive to generate a partnership men-*
20 *tality among all participants, including public*
21 *and private funders, host governments, local pro-*
22 *TECTED areas authorities, and private and non-*
23 *governmental organization partners;*

1 (D) *prioritize investments in communities*
2 *with low levels of economic development to the*
3 *greatest extent practicable and appropriate; and*

4 (E) *consider the eligible partner country's*
5 *planned and dedicated resources to the proposed*
6 *project and the eligible entity's ability to success-*
7 *fully implement the project.*

8 (2) *GRANT CRITERIA.—Foundation grants—*

9 (A) *shall fund eligible projects that enhance*
10 *the management of well-defined primarily pro-*
11 *TECTED or conserved areas and the systems of such*
12 *conservation areas in eligible countries;*

13 (B) *should support adequate baseline fund-*
14 *ing for eligible projects in eligible countries to be*
15 *sustained for not less than 10 years;*

16 (C) *should, during the grant period, dem-*
17 *onstrate progress in achieving clearly defined key*
18 *performance indicators (as defined in the grant*
19 *agreement), which may include—*

20 (i) *the protection of biological diver-*
21 *sity;*

22 (ii) *the protection of native flora and*
23 *habitats, such as trees, forests, wetlands,*
24 *grasslands, mangroves, coral reefs, and sea*
25 *grass;*

1 (iii) *community-based economic growth*
2 *indicators, such as improved land tenure,*
3 *increases in beneficiaries participating in*
4 *related economic growth activities, and suf-*
5 *ficient income from conservation activities*
6 *being directed to communities in project*
7 *areas;*

8 (iv) *improved management of the pri-*
9 *marily protected or conserved area covered*
10 *by the project, as documented through the*
11 *submission of strategic plans or annual re-*
12 *ports to the Foundation; and*

13 (v) *the identification of additional rev-*
14 *enue sources or sustainable financing mech-*
15 *anisms to meet the recurring costs of man-*
16 *agement of the primarily protected or con-*
17 *served areas; and*

18 (D) *shall be terminated if the Board deter-*
19 *mines that the project is not—*

20 (i) *meeting applicable requirements*
21 *under this Act; or*

22 (ii) *making progress in achieving the*
23 *key performance indicators defined in the*
24 *grant agreement.*

1 **SEC. 8. PROHIBITION OF SUPPORT FOR CERTAIN GOVERN-**
2 **MENTS.**

3 (a) *IN GENERAL.*—*The Foundation may not provide*
4 *support for any government, or any entity owned or con-*
5 *trolled by a government, if the Secretary has determined*
6 *that such government—*

7 (1) *has repeatedly provided support for acts of*
8 *international terrorism, as determined under—*

9 (A) *section 1754(c)(1)(A)(i) of the Export*
10 *Control Reform Act of 2018 (22 U.S.C.*
11 *4813(c)(1)(A)(i));*

12 (B) *section 620A(a) of the Foreign Assist-*
13 *ance Act of 1961 (22 U.S.C. 2371(a));*

14 (C) *section 40(d) of the Arms Export Con-*
15 *trol Act (22 U.S.C. 2780(d)); or*

16 (D) *any other relevant provision of law;*

17 (2) *has been identified pursuant to section*
18 *116(a) or 502B(a)(2) of the Foreign Assistance Act of*
19 *1961 (22 U.S.C. 2151n(a) and 2304(a)(2)) or any*
20 *other relevant provision of law; or*

21 (3) *has failed the “control of corruption” indi-*
22 *cator, as determined by the Millennium Challenge*
23 *Corporation, within any of the preceding 3 years of*
24 *the intended grant;*

25 (b) **PROHIBITION OF SUPPORT FOR SANCTIONED PER-**
26 **SONS.**—*The Foundation may not engage in any dealing*

1 *prohibited under United States sanctions laws or regula-*
2 *tions, including dealings with persons on the list of spe-*
3 *cially designated persons and blocked persons maintained*
4 *by the Office of Foreign Assets Control of the Department*
5 *of the Treasury, except to the extent otherwise authorized*
6 *by the Secretary or by the Secretary of the Treasury.*

7 (c) *PROHIBITION OF SUPPORT FOR ACTIVITIES SUB-*
8 *JECT TO SANCTIONS.*—*The Foundation shall require any*
9 *person receiving support to certify that such person, and*
10 *any entity owned or controlled by such person, is in compli-*
11 *ance with all United States sanctions laws and regulations.*

12 **SEC. 9. ANNUAL REPORT.**

13 *Not later than 360 days after the date of the enactment*
14 *of this Act, and annually thereafter while the Foundation*
15 *continues to operate, the Executive Director of the Founda-*
16 *tion shall submit a report to the appropriate congressional*
17 *committees that describes—*

18 (1) *the goals of the Foundation;*

19 (2) *the programs, projects, and activities sup-*
20 *ported by the Foundation;*

21 (3) *private and governmental contributions to*
22 *the Foundation; and*

23 (4) *the standardized criteria utilized to deter-*
24 *mine the programs and activities supported by the*
25 *Foundation, including baselines, targets, desired out-*

1 *comes, measurable goals, and extent to which those*
2 *goals are being achieved for each project.*

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) *AUTHORIZATION.*—*In addition to amounts author-*
5 *ized to be appropriated to carry out international conserva-*
6 *tion and biodiversity programs under part I and chapter*
7 *4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C.*
8 *2151 et seq.), and subject to the limitations set forth in sub-*
9 *sections (b) and (c), there is authorized to be appropriated*
10 *to the Foundation to carry out the purposes of this Act—*

11 (1) *\$1,000,000 for fiscal year 2025; and*

12 (2) *not more than \$100,000,000 for each of the*
13 *fiscal years 2026 through 2034.*

14 (b) *COST MATCHING REQUIREMENT.*—*Amounts ap-*
15 *propriated pursuant to subsection (a) may only be made*
16 *available to grantees to the extent the Foundation or such*
17 *grantees secure funding for an eligible project from sources*
18 *other than the United States Government in an amount*
19 *that is not less than twice the amount received in grants*
20 *for such project pursuant to section 7.*

21 (c) *ADMINISTRATIVE COSTS.*—*The administrative*
22 *costs of the Foundation shall come from sources other than*
23 *the United States Government.*

24 (d) *PROHIBITION ON USE OF GRANT AMOUNTS FOR*
25 *LOBBYING EXPENSES.*—*Amounts provided as a grant by*

- 1 *the Foundation pursuant to section 7 may not be used for*
- 2 *any activity intended to influence legislation pending before*
- 3 *the Congress of the United States.*

Calendar No. 368

118TH CONGRESS
2^D SESSION

S. 618

A BILL

To establish the United States Foundation for International Conservation to promote long-term management of protected and conserved areas, and for other purposes.

MAY 7, 2024

Reported with an amendment