

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**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.

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. COONS

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 “United States Foundation for International Conservation

6 Act of 2024”.

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. 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.

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 Foreign Relations of  
7 the Senate;

8 (B) the Committee on Appropriations of  
9 the Senate;

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

12 (D) the Committee on Appropriations 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) **ELIGIBLE COUNTRY.**—The term “eligible  
18 country” means any country described in section  
19 7(b).

20 (4) **ELIGIBLE PROJECT.**—The term “eligible  
21 project” means any project described in section  
22 7(a)(2).

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

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

8           (7) SECRETARY.—The term “Secretary” means  
9           the Secretary of State.

10 **SEC. 3. UNITED STATES FOUNDATION FOR INTERNATIONAL**  
11 **CONSERVATION.**

12           (a) ESTABLISHMENT.—

13           (1) IN GENERAL.—Not later than 180 days  
14           after the date of the enactment of this Act, the Sec-  
15           retary shall establish the United States Foundation  
16           for International Conservation (referred to in this  
17           Act as the “Foundation”), which shall be operated  
18           as a charitable, nonprofit corporation.

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

22           (3) TAX-EXEMPT STATUS.—The Board shall  
23           take all necessary and appropriate steps to ensure  
24           that the Foundation is an organization described in  
25           subsection (c) of section 501 of the Internal Revenue

1 Code of 1986, which exempt the organization from  
2 taxation under subsection (a) of such section.

3 (4) TERMINATION OF OPERATIONS.—The  
4 Foundation shall terminate operations on the date  
5 that is 10 years after the date on which the Founda-  
6 tion becomes operational, in accordance with—

7 (A) a plan for winding down the activities  
8 of the Foundation that the Board shall submit  
9 to the appropriate congressional committees not  
10 later than 180 days before such termination  
11 date; and

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

14 (b) PURPOSES.—The purposes of the Foundation  
15 are—

16 (1) to provide grants for the responsible man-  
17 agement of designated priority primarily protected  
18 and conserved areas in eligible countries that have a  
19 high degree of biodiversity or species and ecosystems  
20 of significant ecological value;

21 (2) to promote responsible, long-term manage-  
22 ment of primarily protected and conserved areas and  
23 their contiguous buffer zones;

24 (3) to incentivize, leverage, accept, and effec-  
25 tively administer governmental and nongovernmental

1 funds, including donations from the private sector,  
2 to increase the availability and predictability of fi-  
3 nancing for responsible, long-term management of  
4 primarily protected and conserved areas in eligible  
5 countries;

6 (4) to help close critical gaps in public inter-  
7 national conservation efforts in eligible countries  
8 by—

9 (A) increasing private sector investment,  
10 including investments from philanthropic enti-  
11 ties; and

12 (B) collaborating with partners providing  
13 bilateral and multilateral financing to support  
14 enhanced coordination, including public and pri-  
15 vate funders, partner governments, local pro-  
16 tected areas authorities, and private and non-  
17 governmental organization partners;

18 (5) to identify and financially support viable  
19 projects that—

20 (A) promote responsible, long-term man-  
21 agement of primarily protected and conserved  
22 areas and their contiguous buffer zones in eligi-  
23 ble countries, including support for the manage-  
24 ment of terrestrial, coastal, freshwater, and ma-  
25 rine protected areas, parks, community conser-

1 vancies, Indigenous reserves, conservation ease-  
2 ments, and biological reserves; and

3 (B) provide effective area-based conserva-  
4 tion measures, consistent with best practices  
5 and standards for environmental and social  
6 safeguards; and

7 (6) to coordinate with, consult, and otherwise  
8 support and assist, governments, private sector enti-  
9 ties, local communities, Indigenous Peoples, and  
10 other stakeholders in eligible countries in under-  
11 taking biodiversity conservation activities—

12 (A) to achieve measurable and enduring  
13 biodiversity conservation outcomes; and

14 (B) to improve local security, governance,  
15 food security, and economic opportunities.

16 (c) PLAN OF ACTION.—

17 (1) IN GENERAL.—Not later than 6 months  
18 after the establishment of the Foundation, the Exec-  
19 utive Director shall submit for approval from the  
20 Board an initial 3-year Plan of Action to implement  
21 the purposes of this Act, including—

22 (A) a description of the priority actions to  
23 be undertaken by the Foundation over the pro-  
24 ceeding 3-year period, including a timeline for  
25 implementation of such priority actions;

1 (B) descriptions of the processes and cri-  
2 teria by which—

3 (i) eligible countries, in which eligible  
4 projects may be selected to receive assist-  
5 ance under this Act, will be identified;

6 (ii) grant proposals for Foundation  
7 activities in eligible countries will be devel-  
8 oped, evaluated, and selected; and

9 (iii) grant implementation will be  
10 monitored and evaluated;

11 (C) the projected staffing and budgetary  
12 requirements of the Foundation during the pro-  
13 ceeding 3-year period.

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

16 (2) SUBMISSION.—The Executive Director shall  
17 submit the initial Plan of Action to the appropriate  
18 congressional committees not later than 5 days after  
19 the Plan of Action is approved by the Board.

20 (3) UPDATES.—The Executive Director shall  
21 annually update the Plan of Action and submit each  
22 such updated plan to the appropriate congressional  
23 committees not later that 5 days after the update  
24 plan is approved by the Board.

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

2 (a) EXECUTIVE DIRECTOR.—There shall be in the  
3 Foundation an Executive Director, who—

4 (1) shall manage the Foundation; and

5 (2) shall report to, and be under the direct au-  
6 thority, of the Board.

7 (b) BOARD OF DIRECTORS.—

8 (1) GOVERNANCE.—The Foundation shall be  
9 governed by a Board of Directors, which—

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

12 (B) may prescribe, amend, and repeal by-  
13 laws, rules, regulations, and procedures gov-  
14 erning the manner in which the business of the  
15 Foundation may be conducted and in which the  
16 powers granted to it by law may be exercised.

17 (2) MEMBERSHIP.—The Board shall be com-  
18 posed of—

19 (A) the Secretary of State, the Adminis-  
20 trator of the United States Agency for Inter-  
21 national Development, the Secretary of the In-  
22 terior, the Chief of the United States Forest  
23 Service, and the Administrator of the National  
24 Oceanic and Atmospheric Administration, or  
25 the Senate-confirmed designees of such officials;  
26 and



1 (B) 8 other individuals, who shall be ap-  
2 pointed by the Secretary, in consultation with  
3 the members of the Board described in sub-  
4 paragraph (A), the Speaker and Minority Lead-  
5 er of the House of Representatives, and the  
6 President Pro Tempore and Minority Leader of  
7 the Senate, of whom—

8 (i) 4 members shall be private-sector  
9 donors making financial contributions to  
10 the Foundation; and

11 (ii) 4 members shall be independent  
12 experts who, in addition to meeting the  
13 qualification requirements described in  
14 paragraph (3), represent diverse points of  
15 view and diverse geographies, to the max-  
16 imum extent practicable.

17 (3) QUALIFICATIONS.—Each member of the  
18 Board appointed pursuant to paragraph (2)(B) shall  
19 be knowledgeable and experienced in matters relat-  
20 ing to—

21 (A) international development;

22 (B) protected area management and the  
23 conservation of global biodiversity, fish and  
24 wildlife, ecosystem restoration, adaptation, and  
25 resilience; and

1 (C) grantmaking in support of inter-  
2 national conservation.

3 (4) POLITICAL AFFILIATION.—Not more than 5  
4 of the members appointed to the Board pursuant to  
5 paragraph (2)(B) may be affiliated with the same  
6 political party.

7 (5) CONFLICTS OF INTEREST.—Any individual  
8 with business interests, financial holdings, or con-  
9 trolling interests in any entity that has sought sup-  
10 port, or is receiving support, from the Foundation  
11 may not be appointed to the Board during the 5-  
12 year period immediately preceding such appoint-  
13 ment.

14 (6) CHAIRPERSON.—The Board shall elect,  
15 from among its members, a Chairperson, who shall  
16 serve for a 2-year term.

17 (7) TERMS; VACANCIES.—

18 (A) TERMS.—

19 (i) IN GENERAL.—The term of service  
20 of each member of the Board appointed  
21 pursuant to paragraph (2)(B) shall be not  
22 more than 5 years.

23 (ii) INITIAL APPOINTED DIRECTORS.—  
24 Of the initial members of the Board ap-  
25 pointed pursuant to paragraph (2)(B)—

1 (I) 4 members, including at least  
2 private-sector donors making finan-  
3 cial contributions to the Foundation,  
4 shall serve for 4 years; and

5 (II) 4 members shall serve for 5  
6 years, as determined by the Chair-  
7 person of the Board.

8 (B) VACANCIES.—Any vacancy in the  
9 Board—

10 (i) shall be filled in the manner in  
11 which the original appointment was made;  
12 and

13 (ii) shall not affect the power of the  
14 remaining appointed members of the  
15 Board to execute the duties of the Board.

16 (8) QUORUM.—A majority of the current mem-  
17 bership of the Board, including the Secretary or the  
18 Secretary's designee, shall constitute a quorum for  
19 the transaction of Foundation business.

20 (9) MEETINGS.—

21 (A) IN GENERAL.—The Board shall meet  
22 not less frequently than annually at the call of  
23 the Chairperson. Such meetings may be in per-  
24 son, virtual, or hybrid.

1           (B) INITIAL MEETING.—Not later than 60  
2 days after the Board is established pursuant to  
3 section 3(a), the Secretary of State shall con-  
4 vene a meeting of the ex-officio members of the  
5 Board and the appointed members of the Board  
6 to incorporate the Foundation.

7           (C) REMOVAL.—Any member of the Board  
8 appointed pursuant to paragraph (2)(B) who  
9 misses 3 consecutive regularly scheduled meet-  
10 ings may be removed by a majority vote of the  
11 Board.

12 (10) REIMBURSEMENT OF EXPENSES.—

13           (A) IN GENERAL.—Members of the Board  
14 shall serve without pay, but may be reimbursed  
15 for the actual and necessary traveling and sub-  
16 sistence expenses incurred in the performance  
17 of the duties of the Foundation.

18           (B) LIMITATION.—Expenses incurred out-  
19 side the United States may be reimbursed  
20 under this paragraph if at least 2 members of  
21 the Board concurrently incurred such expenses.  
22 Such reimbursements—

23           (i) shall be available exclusively for ac-  
24 tual costs incurred by members of the  
25 Board up to the published daily per diem

1 rate for lodging, meals, and incidentals;  
2 and

3 (ii) shall not include first-class, busi-  
4 ness-class, or travel in any class other than  
5 Economy Class or Coach Class.

6 (C) OTHER EXPENSES.—All other ex-  
7 penses, including salaries for officers and staff  
8 of the Foundation, shall be established by a ma-  
9 jority vote of the Board, as proposed by the Ex-  
10 ecutive Director on no less than an annual  
11 basis.

12 (11) NOT FEDERAL EMPLOYEES.—Appointment  
13 as a member of the Board and employment by the  
14 Foundation does not constitute employment by, or  
15 the holding of an office of, the United States for  
16 purposes of any Federal law.

17 (12) DUTIES.—The Board shall—

18 (A) establish bylaws for the Foundation in  
19 accordance with paragraph (13);

20 (B) provide overall direction for the activi-  
21 ties of the Foundation and establish priority ac-  
22 tivities;

23 (C) carry out any other necessary activities  
24 of the Foundation;

1 (D) evaluate the performance of the Exec-  
2 utive Director;

3 (E) take steps to limit the administrative  
4 expenses of the Foundation; and

5 (F) not less frequently than annually, con-  
6 sult and coordinate with stakeholders qualified  
7 to provide advice, assistance, and information  
8 regarding effective protected and conserved  
9 area management.

10 (13) BYLAWS.—

11 (A) IN GENERAL.—The bylaws required to  
12 be established under paragraph (12)(A) shall  
13 include—

14 (i) the specific duties of the Executive  
15 Director;

16 (ii) policies and procedures for the se-  
17 lection of members of the Board and offi-  
18 cers, employees, agents, and contractors of  
19 the Foundation;

20 (iii) policies, including ethical stand-  
21 ards, for—

22 (I) the acceptance, solicitation,  
23 and disposition of donations and  
24 grants to the Foundation; and

1 (II) the disposition of assets of  
2 the Foundation upon the dissolution  
3 of the Foundation;

4 (iv) policies that subject all imple-  
5 menting partners, employees, fellows,  
6 trainees, and other agents of the Founda-  
7 tion (including ex-officio members of the  
8 Board and appointed members of the  
9 Board) to stringent ethical and conflict of  
10 interest standards;

11 (v) removal and exclusion procedures  
12 for implementing partners, employees, fel-  
13 lows, trainees, and other agents of the  
14 Foundation (including ex-officio members  
15 of the Board and appointed members of  
16 the Board) who fail to uphold the ethical  
17 and conflict of interest standards estab-  
18 lished pursuant to clause (iii);

19 (vi) policies for winding down the ac-  
20 tivities of the Foundation upon its dissolu-  
21 tion, including a plan—

22 (I) to return unspent appropria-  
23 tions to the Treasury of the United  
24 States; and

1 (II) to donate unspent private  
2 and philanthropic contributions to  
3 projects that align with the goals and  
4 requirements described in section 7;

5 (vii) policies for vetting implementing  
6 partners and grantees to ensure the Foun-  
7 dation does not provide grants to for profit  
8 entities whose primary objective is activi-  
9 ties other than conservation activities; and  
10 (viii) clawback policies and procedures  
11 to be incorporated into grant agreements  
12 to ensure compliance with the policies re-  
13 ferred to in clause (vii).

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

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

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



1 (c) FOUNDATION STAFF.—Officers and employees of  
2 the Foundation—

3 (1) may not be employees of, or hold any office  
4 in, the United States Government;

5 (2) may not serve in the employ of any non-  
6 governmental organization, project, or person related  
7 to or affiliated with any grantee of the Foundation  
8 while employed by the Foundation;

9 (3) may not receive compensation from any  
10 other source for work performed in carrying out the  
11 duties of the Foundation while employed by the  
12 Foundation; and

13 (4) should not receive a salary at a rate that is  
14 greater than the maximum rate of basic pay author-  
15 ized for positions at level I of the Executive Sched-  
16 ule under section 5312 of title 5, United States  
17 Code.

18 (d) LIMITATION AND CONFLICTS OF INTERESTS.—

19 (1) POLITICAL PARTICIPATION.—The Founda-  
20 tion may not—

21 (A) lobby for political or policy issues; or

22 (B) participate or intervene in any political  
23 campaign in any country.

24 (2) FINANCIAL INTERESTS.—As determined by  
25 the Board and set forth in the bylaws established

1       pursuant to subsection (b)(13), and consistent with  
2       best practices, any member of the Board or officer  
3       or employee of the Foundation shall be prohibited  
4       from participating, directly or indirectly, in the con-  
5       sideration or determination of any question before  
6       the Foundation affecting—

7               (A) the financial interests of such member  
8               of the Board, or officer or employee of the  
9               Foundation, not including such member's  
10              Foundation expenses and compensation; and

11             (B) the interests of any corporation, part-  
12             nership, entity, or organization in which such  
13             member of the Board, officer, or employee has  
14             any fiduciary obligation or direct or indirect fi-  
15             nancial interest.

16             (3) RECUSALS.—Any member of the Board that  
17             has a business, financial, or familial interest in an  
18             organization or community seeking support from the  
19             Foundation shall recuse himself or herself from all  
20             deliberations, meetings, and decisions concerning the  
21             consideration and decision relating to such support.

22             (4) PROJECT INELIGIBILITY.—The Foundation  
23             may not provide support to individuals or entities  
24             with business, financial, or familial ties to—

25               (A) a current member of the Board; or

1 (B) a former member of the Board during  
2 the 5-year period immediately following the last  
3 day of the former member's term on the Board.

4 **SEC. 5. CORPORATE POWERS AND OBLIGATIONS OF THE**  
5 **FOUNDATION.**

6 (a) GENERAL AUTHORITY.—

7 (1) IN GENERAL.—The Foundation—

8 (A) may conduct business in foreign coun-  
9 tries;

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

12 (C) shall continuously maintain a des-  
13 ignated agent in Washington, DC, who is au-  
14 thorized to accept notice or service of process  
15 on behalf of the Foundation.

16 (2) NOTICE AND SERVICE OF PROCESS.—The  
17 serving of notice to, or service of process upon, the  
18 agent referred to in paragraph (1)(C), or mailed to  
19 the business address of such agent, shall be deemed  
20 as service upon, or notice to, the Foundation.

21 (3) AUDITS.—The Foundation shall be subject  
22 to the general audit authority of the Comptroller  
23 General of the United States under section 3523 of  
24 title 31, United States Code.

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

6 (1) to accept, receive, solicit, hold, administer,  
7 and use any gift, devise, or bequest, either absolutely  
8 or in trust, or real or personal property or any in-  
9 come derived from such gift or property, or other in-  
10 terest in such gift or property located in the United  
11 States;

12 (2) to acquire by donation, gift, devise, pur-  
13 chase, or exchange any real or personal property or  
14 interest in such property located in the United  
15 States;

16 (3) unless otherwise required by the instrument  
17 of transfer, to sell, donate, lease, invest, reinvest, re-  
18 tain, or otherwise dispose of any property or income  
19 derived from such property located in the United  
20 States;

21 (4) to complain and defend itself in any court  
22 of competent jurisdiction (except that the members  
23 of the Board shall not be personally liable, except for  
24 gross negligence);

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

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

8           (c) **LIMITATION OF PUBLIC LIABILITY.**—The United  
9           States shall not be liable for any debts, defaults, acts, or  
10          omissions of the Foundation. The Federal Government  
11          shall be held harmless from any damages or awards or-  
12          dered by a court against the Foundation.

13          **SEC. 6. SAFEGUARDS AND ACCOUNTABILITY.**

14          (a) **SAFEGUARDS.**—The Foundation shall develop,  
15          and incorporate into any agreement for support provided  
16          by the Foundation, appropriate safeguards, policies, and  
17          guidelines, consistent with United States law and best  
18          practices and standards for environmental and social safe-  
19          guards.

20          (b) **INDEPENDENT ACCOUNTABILITY MECHANISM.**—

21                  (1) **IN GENERAL.**—The Secretary, or the Sec-  
22          retary's designee, shall establish a transparent and  
23          independent accountability mechanism, consistent  
24          with best practices, which shall provide—

1 (A) a compliance review function that as-  
2 sses whether Foundation-supported projects  
3 adhere to the requirements developed pursuant  
4 to subsection (a);

5 (B) a dispute resolution function for re-  
6 solving and remedying concerns between com-  
7 plainants and project implementers regarding  
8 the impacts of specific Foundation-supported  
9 projects with respect to such standards; and

10 (C) an advisory function that reports to  
11 the Board on projects, policies, and practices.

12 (2) DUTIES.—The accountability mechanism  
13 shall—

14 (A) report annually to the Board and the  
15 appropriate congressional committees regarding  
16 the Foundation’s compliance with best practices  
17 and standards in accordance with paragraph  
18 (1)(A) and the nature and resolution of any  
19 complaint;

20 (B)(i) have permanent staff, led by an  
21 independent accountability official, to conduct  
22 compliance reviews and dispute resolutions and  
23 perform advisory functions; and

24 (ii) maintain a roster of experts to serve  
25 such roles, to the extent needed; and

1 (C) hold a public comment period lasting  
2 not fewer than 60 days regarding the initial de-  
3 sign of the accountability mechanism.

4 (c) INTERNAL ACCOUNTABILITY.—The Foundation  
5 shall establish an ombudsman position at a senior level  
6 of executive staff as a confidential, neutral source of infor-  
7 mation and assistance to anyone affected by the activities  
8 of the Foundation.

9 (d) ANNUAL REVIEW.—The Secretary shall, periodi-  
10 cally, but not less frequent than annually, review assist-  
11 ance provided by the Foundation for the purpose of imple-  
12 menting section 3(b) to ensure consistency with the provi-  
13 sions under section 620M of Foreign Assistance Act of  
14 1961 (22 U.S.C. 2378d).

15 **SEC. 7. PROJECTS AND GRANTS.**

16 (a) PROJECT FUNDING REQUIREMENTS.—

17 (1) IN GENERAL.—The Foundation shall—

18 (A) provide grants to support eligible  
19 projects described in paragraph (3) that ad-  
20 vance its mission to enable effective manage-  
21 ment of primarily protected and conserved  
22 areas and their contiguous buffer zones in eligi-  
23 ble countries;

24 (B) advance effective landscape or  
25 seascape approaches to conservation that in-

1           clude buffer zones, wildlife dispersal and cor-  
2           ridor areas, and other effective area-based con-  
3           servation measures; and

4                   (C) not purchase, own, or lease land, in-  
5           cluding conservation easements, in eligible  
6           countries.

7           (2) ELIGIBLE ENTITIES.—Eligible entities shall  
8           include—

9                   (A) not-for-profit organizations with dem-  
10           onstrated expertise in protected and conserved  
11           area management and economic development;

12                   (B) governments of eligible partner coun-  
13           tries, as determined by subsection (b), with the  
14           exception of governments and government enti-  
15           ties that are prohibited from receiving grants  
16           from the Foundation pursuant to section 8; and

17                   (C) Indigenous and local communities in  
18           such eligible countries.

19           (3) ELIGIBLE PROJECTS.—Eligible projects  
20           shall include projects that—

21                   (A) focus on supporting—

22                           (i) transparent and effective long-term  
23           management of primarily protected or con-  
24           served areas and their contiguous buffer  
25           zones in countries described in subsection



1 (b), including terrestrial, coastal, and ma-  
2 rine protected or conserved areas, parks,  
3 community conservancies, Indigenous re-  
4 serves, conservation easements, and bio-  
5 logical reserves; and

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

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

12 (C) are subject to long-term binding  
13 memoranda of understanding with the govern-  
14 ments of eligible countries and local commu-  
15 nities—

16 (i) to ensure that local populations  
17 have access, resource management respon-  
18 sibilities, and the ability to pursue permis-  
19 sible, sustainable economic activity on af-  
20 fected lands; and

21 (ii) that may be signed by govern-  
22 ments in such eligible countries to ensure  
23 free, prior, and informed consent of af-  
24 fected communities;

1 (D) incorporate a set of key performance  
2 and impact indicators;

3 (E) demonstrate robust local community  
4 engagement, with the completion of appropriate  
5 environmental and social due diligence, includ-  
6 ing—

7 (i) free, prior, and informed consent  
8 of Indigenous Peoples and relevant local  
9 communities;

10 (ii) inclusive governance structures;  
11 and

12 (iii) effective grievance mechanisms;

13 (F) create economic opportunities for local  
14 communities, including through—

15 (i) equity and profit-sharing;

16 (ii) cooperative management of nat-  
17 ural resources;

18 (iii) employment activities; and

19 (iv) other related economic growth ac-  
20 tivities;

21 (G) leverage stable baseline funding for the  
22 effective management of the primarily protected  
23 or conserved area project; and

24 (H) to the extent possible—

1 (i) are viable and prepared for imple-  
2 mentation; and

3 (ii) demonstrate a plan to strengthen  
4 the capacity of, and transfer skills to, local  
5 institutions to manage the primarily pro-  
6 tected or conserved area before or after  
7 grant funding is exhausted.

8 (b) ELIGIBLE COUNTRIES.—

9 (1) IN GENERAL.—Pursuant to the Plan of Ac-  
10 tion required under section 3(c), and before award-  
11 ing any grants or entering into any project agree-  
12 ments for any fiscal year, the Board shall conduct  
13 a review to identify eligible countries in which the  
14 Foundation may fund projects. Such review shall  
15 consider countries that—

16 (A) are low-income, lower middle-income,  
17 or upper-middle-income economies (as defined  
18 by the International Bank for Reconstruction  
19 and Development and the International Devel-  
20 opment Association);

21 (B) have—

22 (i) a high degree of threatened or at-  
23 risk biological diversity; or

24 (ii) species or ecosystems of signifi-  
25 cant importance, including threatened or

1           endangered species or ecosystems at risk of  
2           degradation or destruction;

3           (C) have demonstrated a commitment to  
4           conservation through verifiable actions, such as  
5           protecting lands and waters through the  
6           gazettement of national parks, community con-  
7           servancies, marine reserves and protected areas,  
8           forest reserves, or other legally recognized  
9           forms of place-based conservation; and

10           (D) are not ineligible to receive United  
11           States foreign assistance pursuant to any other  
12           provision of law, including laws identified in  
13           section 8.

14           (2) IDENTIFICATION OF ELIGIBLE COUN-  
15           TRIES.—Not later than 5 days after the date on  
16           which the Board determines which countries are eli-  
17           gible to receive assistance under this Act for a fiscal  
18           year, the Executive Director shall—

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

21                   (i) a list of all such eligible countries,  
22                   as determined through the review process  
23                   described in paragraph (1); and

24                   (ii) a detailed justification for each  
25                   such eligibility determination, including—

1 (I) an analysis of why the eligible  
2 country would be suitable for partner-  
3 ship;

4 (II) an evaluation of the eligible  
5 partner country's interest in and abil-  
6 ity to participate meaningfully in pro-  
7 posed Foundation activities, including  
8 an evaluation of such eligible coun-  
9 try's prospects to substantially benefit  
10 from Foundation assistance;

11 (III) an estimation of each such  
12 eligible partner country's commitment  
13 to conservation; and

14 (IV) an assessment of the capac-  
15 ity and willingness of the eligible  
16 country to enact or implement re-  
17 forms that might be necessary to  
18 maximize the impact and effectiveness  
19 of Foundation support; and

20 (B) publish the information contained in  
21 the report described in subparagraph (A) in the  
22 Federal Register.

23 (c) GRANTMAKING.—

24 (1) IN GENERAL.—In order to maximize pro-  
25 gram effectiveness, the Foundation shall—

1 (A) coordinate with other international  
2 public and private donors to the greatest extent  
3 practicable and appropriate;

4 (B) seek additional financial and non-  
5 financial contributions and commitments for its  
6 projects from governments in eligible countries;

7 (C) strive to generate a partnership men-  
8 tality among all participants, including public  
9 and private funders, host governments, local  
10 protected areas authorities, and private and  
11 nongovernmental organization partners;

12 (D) prioritize investments in communities  
13 with low levels of economic development to the  
14 greatest extent practicable and appropriate; and

15 (E) consider the eligible partner country's  
16 planned and dedicated resources to the pro-  
17 posed project and the eligible entity's ability to  
18 successfully implement the project.

19 (2) GRANT CRITERIA.—Foundation grants—

20 (A) shall fund eligible projects that en-  
21 hance the management of well-defined primarily  
22 protected or conserved areas and the systems of  
23 such conservation areas in eligible countries;

1 (B) should support adequate baseline fund-  
2 ing for eligible projects in eligible countries to  
3 be sustained for not less than 10 years;

4 (C) should, during the grant period, dem-  
5 onstrate progress in achieving clearly defined  
6 key performance indicators (as defined in the  
7 grant agreement), which may include—

8 (i) the protection of biological diver-  
9 sity;

10 (ii) the protection of native flora and  
11 habitats, such as trees, forests, wetlands,  
12 grasslands, mangroves, coral reefs, and sea  
13 grass;

14 (iii) community-based economic  
15 growth indicators, such as improved land  
16 tenure, increases in beneficiaries partici-  
17 pating in related economic growth activi-  
18 ties, and sufficient income from conserva-  
19 tion activities being directed to commu-  
20 nities in project areas;

21 (iv) improved management of the pri-  
22 marily protected or conserved area covered  
23 by the project, as documented through the  
24 submission of strategic plans or annual re-  
25 ports to the Foundation; and

1 (v) the identification of additional rev-  
2 enue sources or sustainable financing  
3 mechanisms to meet the recurring costs of  
4 management of the primarily protected or  
5 conserved areas; and

6 (D) shall be terminated if the Board deter-  
7 mines that the project is not—

8 (i) meeting applicable requirements  
9 under this Act; or

10 (ii) making progress in achieving the  
11 key performance indicators defined in the  
12 grant agreement.

13 **SEC. 8. PROHIBITION OF SUPPORT FOR CERTAIN GOVERN-**  
14 **MENTS.**

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

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

21 (A) section 1754(c)(1)(A)(i) of the Export  
22 Control Reform Act of 2018 (22 U.S.C.  
23 4813(c)(1)(A)(i));

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



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

3 (D) any other relevant provision of law;

4 (2) has been identified pursuant to section  
5 116(a) or 502B(a)(2) of the Foreign Assistance Act  
6 of 1961 (22 U.S.C. 2151n(a) and 2304(a)(2)) or  
7 any other relevant provision of law; or

8 (3) has failed the “control of corruption” indi-  
9 cator, as determined by the Millennium Challenge  
10 Corporation, within any of the preceding 3 years of  
11 the intended grant;

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

20 (c) PROHIBITION OF SUPPORT FOR ACTIVITIES SUB-  
21 JECT TO SANCTIONS.—The Foundation shall require any  
22 person receiving support to certify that such person, and  
23 any entity owned or controlled by such person, is in com-  
24 pliance with all United States sanctions laws and regula-  
25 tions.

1 **SEC. 9. ANNUAL REPORT.**

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

7 (1) the goals of the Foundation;

8 (2) the programs, projects, and activities sup-  
9 ported by the Foundation;

10 (3) private and governmental contributions to  
11 the Foundation; and

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

17 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) AUTHORIZATION.—In addition to amounts au-  
19 thorized to be appropriated to carry out international con-  
20 servation and biodiversity programs under part I and  
21 chapter 4 of part II of the Foreign Assistance Act of 1961  
22 (22 U.S.C. 2151 et seq.), and subject to the limitations  
23 set forth in subsections (b) and (c), there is authorized  
24 to be appropriated to the Foundation to carry out the pur-  
25 poses of this Act—

26 (1) \$1,000,000 for fiscal year 2025; and

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

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

10          (c) ADMINISTRATIVE COSTS.—The administrative  
11          costs of the Foundation shall come from sources other  
12          than the United States Government.

13          (d) PROHIBITION ON USE OF GRANT AMOUNTS FOR  
14          LOBBYING EXPENSES.—Amounts provided as a grant by  
15          the Foundation pursuant to section 7 may not be used  
16          for any activity intended to influence legislation pending  
17          before the Congress of the United States.