

carry out the purposes described in section 10602(b) of this title, shall have the usual powers of a corporation headquartered in Washington, DC, including the authority—

(1) to accept, receive, solicit, hold, administer, and use any gift, devise, or bequest, either absolutely or in trust, or real or personal property or any income derived from such gift or property, or other interest in such gift or property located in the United States;

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

(3) unless otherwise required by the instrument of transfer, to sell, donate, lease, invest, reinvest, retain, or otherwise dispose of any property or income derived from such property located in the United States;

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

(5) to enter into contracts or other arrangements with public agencies, private organizations, and persons and to make such payments as may be necessary to carry out the purposes of such contracts or arrangements; and

(6) to award grants for eligible projects, in accordance with section 10606 of this title.

(c) Limitation of public liability

The United States shall not be liable for any debts, defaults, acts, or omissions of the Foundation. The Federal Government shall be held harmless from any damages or awards ordered by a court against the Foundation.

(Pub. L. 118–159, div. E, title LI, §5104, Dec. 23, 2024, 138 Stat. 2416.)

§ 10605. Safeguards and accountability

(a) Safeguards

The Foundation shall develop, and incorporate into any agreement for support provided by the Foundation, appropriate safeguards, policies, and guidelines, consistent with United States law and best practices and standards for environmental and social safeguards.

(b) Independent accountability mechanism

(1) In general

The Secretary, or the Secretary’s designee, shall establish a transparent and independent accountability mechanism, consistent with best practices, which shall provide—

(A) a compliance review function that assesses whether Foundation-supported projects adhere to the requirements developed pursuant to subsection (a);

(B) a dispute resolution function for resolving and remedying concerns between complainants and project implementers regarding the impacts of specific Foundation-supported projects with respect to such standards; and

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

(2) Duties

The accountability mechanism shall—

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

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

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

(C) hold a public comment period lasting not fewer than 60 days regarding the initial design of the accountability mechanism.

(c) Internal accountability

The Foundation shall establish an ombudsman position at a senior level of executive staff as a confidential, neutral source of information and assistance to anyone affected by the activities of the Foundation.

(d) Annual review

The Secretary shall, periodically, but not less frequent than annually, review assistance provided by the Foundation for the purpose of implementing section 10602(b) of this title to ensure consistency with the provisions under section 2378d of this title.

(Pub. L. 118–159, div. E, title LI, §5105, Dec. 23, 2024, 138 Stat. 2417.)

§ 10606. Projects and grants

(a) Project funding requirements

(1) In general

The Foundation shall—

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

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

(C) not purchase, own, or lease land, including conservation easements, in eligible countries.

(2) Eligible entities

Eligible entities shall include—

(A) not-for-profit organizations with demonstrated expertise in protected and conserved area management and economic development;

(B) governments of eligible partner countries, as determined by subsection (b), with the exception of governments and government entities that are prohibited from receiving grants from the Foundation pursuant to section 10607 of this title; and

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

(3) Eligible projects

Eligible projects shall include projects that—

(A) focus on supporting—

(i) transparent and effective long-term management of primarily protected or conserved areas and their contiguous buffer zones in countries described in subsection (b), including terrestrial, coastal, and marine protected or conserved areas, parks, community conservancies, Indigenous reserves, conservation easements, and biological reserves; and

(ii) other effective area-based conservation measures;

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

(C) are subject to long-term binding memoranda of understanding with the governments of eligible countries and local communities—

(i) to ensure that local populations have access, resource management responsibilities, and the ability to pursue permissible, sustainable economic activity on affected lands; and

(ii) that may be signed by governments in such eligible countries to ensure free, prior, and informed consent of affected communities;

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

(E) demonstrate robust local community engagement, with the completion of appropriate environmental and social due diligence, including—

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

(ii) inclusive governance structures; and

(iii) effective grievance mechanisms;

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

(i) equity and profit-sharing;

(ii) cooperative management of natural resources;

(iii) employment activities; and

(iv) other related economic growth activities;

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

(H) to the extent possible—

(i) are viable and prepared for implementation; and

(ii) demonstrate a plan to strengthen the capacity of, and transfer skills to, local institutions to manage the primarily protected or conserved area before or after grant funding is exhausted.

(b) Eligible countries

(1) In general

Pursuant to the Plan of Action required under section 10602(c) of this title, and before awarding any grants or entering into any project agreements for any fiscal year, the Board shall conduct a review to identify eligible countries in which the Foundation may fund projects. Such review shall consider countries that—

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

(B) have—

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

(ii) species or ecosystems of significant importance, including threatened or endangered species or ecosystems at risk of degradation or destruction;

(C) have demonstrated a commitment to conservation through verifiable actions, such as protecting lands and waters through the gazettelement of national parks, community conservancies, marine reserves and protected areas, forest reserves, or other legally recognized forms of place-based conservation; and

(D) are not ineligible to receive United States foreign assistance pursuant to any other provision of law, including laws identified in section 10607 of this title.

(2) Identification of eligible countries

Not later than 5 days after the date on which the Board determines which countries are eligible to receive assistance under this chapter for a fiscal year, the Executive Director shall—

(A) submit a report to the appropriate congressional committees that includes—

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

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

(I) an analysis of why the eligible country would be suitable for partnership;

(II) an evaluation of the eligible partner country's interest in and ability to participate meaningfully in proposed Foundation activities, including an evaluation of such eligible country's prospects to substantially benefit from Foundation assistance;

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

(IV) an assessment of the capacity and willingness of the eligible country to enact or implement reforms that might be necessary to maximize the impact and effectiveness of Foundation support; and

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

(c) Grantmaking

(1) In general

In order to maximize program effectiveness, the Foundation shall—

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

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

(C) strive to generate a partnership mentality among all participants, including public and private funders, host governments, local protected areas authorities, and private and nongovernmental organization partners;

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

(E) consider the eligible partner country's planned and dedicated resources to the proposed project and the eligible entity's ability to successfully implement the project.

(2) Grant criteria

Foundation grants—

(A) shall fund eligible projects that enhance the management of well-defined primarily protected or conserved areas and the systems of such conservation areas in eligible countries;

(B) should support adequate baseline funding for eligible projects in eligible countries to be sustained for not less than 10 years;

(C) should, during the grant period, demonstrate progress in achieving clearly defined key performance indicators (as defined in the grant agreement), which may include—

(i) the protection of biological diversity;

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

(iii) community-based economic growth indicators, such as improved land tenure, increases in beneficiaries participating in related economic growth activities, and sufficient income from conservation activities being directed to communities in project areas;

(iv) improved management of the primarily protected or conserved area covered by the project, as documented through the submission of strategic plans or annual reports to the Foundation; and

(v) the identification of additional revenue sources or sustainable financing mechanisms to meet the recurring costs of management of the primarily protected or conserved areas; and

(D) shall be terminated if the Board determines that the project is not—

(i) meeting applicable requirements under this chapter; or

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

(Pub. L. 118-159, div. E, title LI, §5106, Dec. 23, 2024, 138 Stat. 2417.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(2) and (c)(2)(D)(i), was in the original “this title” and was translated as reading “this subtitle”, meaning subtitle A (§§5101-5109) of title LI of div. E of Pub. L. 118-159, Dec. 23, 2024, 138 Stat. 2410, known as the United States Foundation for International Conservation Act of 2024, which is classified generally to this chapter.

§ 10607. Prohibition of support for certain governments

(a) In general

The Foundation may not provide support for any government, or any entity owned or controlled by a government, if the Secretary has determined that such government—

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

(A) section 4813(c)(1)(A)(i) of title 50;

(B) section 2371(a) of this title;

(C) section 2780(d) of this title; or

(D) any other relevant provision of law;

(2) has been identified pursuant to section 2151n(a) or 2304(a)(2) of this title or any other relevant provision of law; or

(3) has failed the “control of corruption” indicator, as determined by the Millennium Challenge Corporation, within any of the preceding 3 years of the intended grant.

(b) Prohibition of support for sanctioned persons

The Foundation may not engage in any dealing prohibited under United States sanctions laws or regulations, including dealings with persons on the list of specially designated persons and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury, except to the extent otherwise authorized by the Secretary or by the Secretary of the Treasury.

(c) Prohibition of support for activities subject to sanctions

The Foundation shall require any person receiving support to certify that such person, and any entity owned or controlled by such person, is in compliance with all United States sanctions laws and regulations.

(Pub. L. 118-159, div. E, title LI, §5107, Dec. 23, 2024, 138 Stat. 2421.)

§ 10608. Annual report

Not later than 360 days after December 23, 2024, and annually thereafter while the Foundation continues to operate, the Executive Director of the Foundation shall submit a report to the appropriate congressional committees that describes—

(1) the goals of the Foundation;

(2) the programs, projects, and activities supported by the Foundation;

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

(4) the standardized criteria utilized to determine the programs and activities supported by the Foundation, including baselines, targets, desired outcomes, measurable goals, and extent to which those goals are being achieved for each project.

(Pub. L. 118-159, div. E, title LI, §5108, Dec. 23, 2024, 138 Stat. 2421.)

§ 10609. Authorization of appropriations

(a) Authorization

In addition to amounts authorized to be appropriated to carry out international conservation