

section, sell to any eligible country any concessional loans described in section 2431d(a)(1) of this title or any credits described in section 2431e(a)(1) of this title, or on receipt of payment from an eligible country, reduce or cancel such loans (or credits) or portion thereof, only for the purpose of facilitating a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than the lessor of 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support eligible activities described in section 2431g(d) of this title.

(3) Limitation

The authority provided by paragraphs (1) and (2) shall be available only to the extent that appropriations for the cost (as defined in section 661a(5) of title 2) of the modification of any debt pursuant to such paragraphs are made in advance.

(4) Terms and conditions

Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans and credits may be sold, reduced, or canceled pursuant to this section.

(5) Administration

(A) In general

The Facility shall notify the administrator of the agency primarily responsible for administering subchapter I of this chapter or the Commodity Credit Corporation, as the case may be, of eligible purchasers described in paragraph (1)(B) that the President has determined to be eligible under paragraph (1), and shall direct such agency or Corporation, as the case may be, to carry out the sale, reduction, or cancellation of a loan pursuant to such paragraph.

(B) Additional requirement

Such agency or Corporation, as the case may be, shall make an adjustment in its accounts to reflect the sale, reduction, or cancellation.

(C) United States Government representation on the administering body

One or more individuals appointed by the United States Government shall serve in an official capacity on the administering body that oversees the implementation of grants arising from a debt-for-nature swap or debt buyback regardless of whether the United States is a party to any agreement between the eligible purchaser and the government of the beneficiary country.

(b) Deposit of proceeds

The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(Pub. L. 87-195, pt. V, §808, as added Pub. L. 105-214, §1, July 29, 1998, 112 Stat. 889; amended

Pub. L. 107-26, §2(b), Aug. 17, 2001, 115 Stat. 206; Pub. L. 115-440, §7, Jan. 14, 2019, 132 Stat. 5582.)

Editorial Notes

AMENDMENTS

2019—Subsec. (a)(5)(C). Pub. L. 115-440 added subpar. (C).

2001—Subsec. (a)(1)(D). Pub. L. 107-26 substituted “to be appropriated under sections 2431d(a)(2), 2431e(a)(2), and 2431d(d) of this title” for “to appropriated under sections 2431d(a)(2) and 2431e(a)(2) of this title”.

Statutory Notes and Related Subsidiaries

REFERENCES TO SUBCHAPTER I DEEMED TO INCLUDE CERTAIN PARTS OF SUBCHAPTER II

References to subchapter I of this chapter are deemed to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of this chapter, and references to subchapter II are deemed to exclude such parts. See section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title.

Executive Documents

DELEGATION OF FUNCTIONS

For delegation of functions of President under this section, see Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.

For delegation of functions of President under subsec. (a) of this section, see section 1 of Ex. Ord. No. 13345, July 8, 2004, 69 F.R. 41901, set out as a note under section 1738 of Title 7, Agriculture.

§ 2431g. Conservation Agreement

(a) Authority

The Secretary of State is authorized, in consultation with other appropriate officials of the Federal Government, to enter into a Conservation Agreement with any eligible country concerning the operation and use of the Fund for that country.

(b) Contents of Agreement

The requirements contained in section 2430g(b) of this title (relating to contents of an agreement) shall apply to an Agreement in the same manner as such requirements apply to an Americas Framework Agreement.

(c) Administering body

(1) In general

Amounts disbursed from the Fund in each beneficiary country shall be administered by a body constituted under the laws of that country.

(2) Composition

(A) In general

The administering body shall consist of—

(i) one or more individuals appointed by the United States Government to serve in an official capacity;

(ii) one or more individuals appointed by the government of the beneficiary country; and

(iii) individuals who represent a broad range of—

(I) environmental nongovernmental organizations of, or active in, the beneficiary country;

(II) local community development nongovernmental organizations of the beneficiary country; and

(III) scientific, academic, or forestry organizations of the beneficiary country.

(B) Additional requirement

A majority of the members of the administering body shall be individuals described in subparagraph (A)(iii).

(3) Responsibilities

The requirements contained in section 2430g(c)(3) of this title (relating to responsibilities of the administering body) shall apply to an administering body described in paragraph (1) in the same manner as such requirements apply to an administering body described in section 2430g(c)(1) of this title.

(d) Eligible activities

Amounts deposited in a Fund shall be used only to provide grants to conserve, maintain, and restore the tropical forests and coral reef ecosystems in the beneficiary country, through one or more of the following activities:

(1) Establishment, restoration, protection, and maintenance of parks, protected areas, and reserves.

(2) Development and implementation of scientifically sound systems of natural resource management, including land and ecosystem management practices.

(3) Training programs to increase the scientific, technical, and managerial capacities of individuals and organizations involved in conservation efforts.

(4) Restoration, protection, or sustainable use of diverse animal and plant species.

(5) Research and identification of medicinal uses of plant life to treat human diseases, illnesses, and health related concerns.

(6) Development and support of the livelihoods of individuals dependent on a tropical forest or coral reef ecosystem and related resources in a manner consistent with conserving such resources.

(e) Grant recipients

(1) In general

Grants made from a Fund shall be made to—

(A) nongovernmental environmental, forestry, conservation, and indigenous peoples organizations of, or active in, the beneficiary country;

(B) other appropriate local or regional entities of, or active in, the beneficiary country; or

(C) in limited circumstances, the government of the beneficiary country when needed to improve governance and enhance management of tropical forests or coral reef ecosystems, without replacing existing levels of financial efforts by the government of the beneficiary country and with priority given to projects that complement grants made under subparagraphs (A) and (B).

(2) Priority

In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other pri-

vate entities and that involve local communities in their planning and execution.

(f) Review of larger grants

Any grant of more than \$250,000 from a Fund must be approved by the Government of the United States and the government of the beneficiary country.

(g) Eligibility criteria

In the event that a country ceases to meet the eligibility requirements set forth in section 2431c(a) of this title, as determined by the President pursuant to section 2431c(b) of this title, then grants from the Fund for that country may only be made to nongovernmental organizations until such time as the President determines that such country meets the eligibility requirements set forth in section 2431c(a) of this title.

(Pub. L. 87-195, pt. V, §809, as added Pub. L. 105-214, §1, July 29, 1998, 112 Stat. 890; amended Pub. L. 115-440, §8(a)-(d), Jan. 14, 2019, 132 Stat. 5583.)

Editorial Notes

AMENDMENTS

2019—Pub. L. 115-440, §8(a)(1), substituted “Conservation Agreement” for “Tropical Forest Agreement” in section catchline.

Subsec. (a). Pub. L. 115-440, §8(a)(2), (b), struck out par. (1) designation and heading, substituted “Conservation Agreement” for “Tropical Forest Agreement”, and struck out par. (2). Prior to amendment, text of par. (2) read as follows: “In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 2431i of this title.”

Subsec. (c)(2)(A)(i). Pub. L. 115-440, §8(d)(1), inserted “to serve in an official capacity” after “Government”.

Subsec. (d). Pub. L. 115-440, §8(d)(2)(A), substituted “tropical forests and coral reef ecosystems” for “tropical forests” in introductory provisions.

Subsec. (d)(5). Pub. L. 115-440, §8(d)(2)(B), struck out “tropical forest” before “plant”.

Subsec. (d)(6). Pub. L. 115-440, §8(d)(2)(C), substituted “dependent on a tropical forest or coral reef ecosystem and related resources in a manner consistent with conserving such resources” for “living in or near a tropical forest in a manner consistent with protecting such tropical forest”.

Subsec. (e)(1)(C). Pub. L. 115-440, §8(c)(1), substituted “in limited circumstances, the government of the beneficiary country when needed to improve governance and enhance management of tropical forests or coral reef ecosystems, without replacing existing levels of financial efforts by the government of the beneficiary country and with priority given to projects that complement grants made under subparagraphs (A) and (B)” for “in exceptional circumstances, the government of the beneficiary country”.

Subsec. (f). Pub. L. 115-440, §8(c)(2), amended subsec. (f) generally. Prior to amendment, text read as follows: “Any grant of more than \$100,000 from a Fund shall be subject to veto by the Government of the United States or the government of the beneficiary country.”

§ 2431h. Conservation Fund

(a) Establishment

Each beneficiary country that enters into a Conservation Agreement under section 2431g of this title shall be required to establish a Conservation Fund to receive payments of interest and principal on new obligations undertaken by the beneficiary country under this subchapter.