

## CARIBBEAN NATIONAL FOREST ACT OF 2005

—————  
JUNE 14, 2005.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed  
—————

Mr. POMBO, from the Committee on Resources,  
submitted the following

### R E P O R T

[To accompany H.R. 539]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 539) to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Caribbean National Forest Act of 2005”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term “map” means the map dated April 13, 2004, and entitled “El Toro Proposed Wilderness Area”.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

#### SEC. 3. WILDERNESS DESIGNATION, CARIBBEAN NATIONAL FOREST, PUERTO RICO.

(a) EL TORO WILDERNESS.—

(1) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in the Commonwealth of Puerto Rico as generally depicted on the map are designated as wilderness and as a component of the National Wilderness Preservation System.

(2) DESIGNATION.—The land designated in paragraph (1) shall be known as the El Toro Wilderness.

(3) WILDERNESS BOUNDARIES.—The El Toro Wilderness shall consist of the land generally depicted on the map.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall—

(A) prepare a boundary description of the El Toro Wilderness; and

- (B) submit the map and the boundary description to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.
- (2) PUBLIC INSPECTION AND TREATMENT.—The map and the boundary description prepared under paragraph (1)(A)—
- (A) shall be on file and available for public inspection in the office of the Chief of the Forest Service; and
- (B) shall have the same force and effect as if included in this Act.
- (3) ERRORS.—The Secretary may correct clerical and typographical errors in the map and the boundary description prepared under paragraph (1)(A).
- (c) ADMINISTRATION.—
- (1) IN GENERAL.—Subject to valid existing rights, the Secretary shall administer the El Toro Wilderness in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act.
- (2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the El Toro Wilderness, any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of that Act shall be deemed to be a reference to the date of the enactment of this Act.
- (d) SPECIAL MANAGEMENT CONSIDERATIONS.—Consistent with the Wilderness Act (16 U.S.C. 1131 et seq.), nothing in this Act precludes the installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and remote transmission facilities, or any combination of those facilities, in any case in which the Secretary determines that the facilities are essential to the scientific research purposes of the Luquillo Experimental Forest.

Amend the title so as to read:

A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

#### PURPOSE OF THE BILL

The purpose of H.R. 539, as ordered reported, is to designate certain National Forest System land in the Commonwealth of Puerto Rico as a component of the National Wilderness Preservation System.

#### BACKGROUND AND NEED FOR LEGISLATION

In 1997 approximately 10,000 acres of land in the Caribbean National Forest/Luquillo Experimental Forest in Puerto Rico were proposed for wilderness classification in the U.S. Forest Service's land and resource management plan. H.R. 539 would designate the area as wilderness and, therefore, as a component of the National Wilderness Preservation System. The designated lands would be known as the El Toro Wilderness.

The wilderness designation would also allow for special management considerations such as the installation and maintenance of hydrologic, meteorological, climatological, or atmospheric data collection and remote transmission facilities, or any combination of those facilities necessary for the scientific research purposes of the Luquillo Experimental Forest.

After the enactment of this legislation, the Secretary of Agriculture is directed to prepare a map and boundary description of the El Toro Wilderness and submit it to the House Resources Committee and the Senate Energy and Natural Resources Committee. The map and boundary description would be on file for public inspection in the office of the Chief of the Forest Service.

#### COMMITTEE ACTION

H.R. 539 was introduced on February 2, 2005, by Resident Commissioner Luis Fortuño (R-PR). The bill was referred to the Committee on Resources, and within the Committee to the Sub-

committee on Forests and Forest Health. On May 11, 2005, the Subcommittee held a hearing on the bill. On May 18, 2005, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. Mr. Fortuño offered an amendment in the nature of a substitute to make technical changes requested by the Forest Service. It was adopted by unanimous consent, and the bill as amended was then ordered favorably reported to the House of Representatives by unanimous consent.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

#### *H.R. 539—Caribbean National Forest Act of 2005*

CBO estimates that implementing H.R. 539 would have no significant impact on the federal budget. Enacting the bill would not affect direct spending or revenues. H.R. 539 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of state, local, or tribal governments.

H.R. 539 would designate as wilderness approximately 10,000 acres of land within the Caribbean National Forest/Luquillo Experimental Forest, located in Puerto Rico. Based on information from the Forest Service, CBO estimates that designating that area as

wilderness would not significantly affect the agency's costs to manage it. We also estimate that the proposed designation would have no impact on offsetting receipts from programs to develop federally owned natural resources.

The CBO staff contact for this estimate is Megan Carroll. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

