

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. Tropical Forest Agreement

(a) Authority

(1) In general

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

(2) Consultation

In the negotiation of such an Agreement, the Secretary shall consult with the Board in accordance with section 2431i of this title.

(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;

(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 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 tropical forest plant life to treat human diseases, illnesses, and health related concerns.

(6) Development and support of the livelihoods of individuals living in or near a tropical forest in a manner consistent with protecting such tropical forest.

(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 exceptional circumstances, the government of the beneficiary country.

(2) Priority

In providing grants under paragraph (1), priority shall be given to projects that are run by nongovernmental organizations and other private entities and that involve local communities in their planning and execution.

(f) Review of larger grants

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.

(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.)

§ 2431h. Tropical Forest Fund

(a) Establishment

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

(b) Requirements relating to operation of Fund

The following terms and conditions shall apply to the Fund in the same manner as such

terms as¹ conditions apply to an Enterprise for the Americas Fund under section 2430f of this title:

- (1) The provision relating to deposits under subsection (b) of such section.
- (2) The provision relating to investments under subsection (c) of such section.
- (3) The provision relating to disbursements under subsection (d) of such section.

(Pub. L. 87–195, pt. V, §810, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 892; amended Pub. L. 108–323, §3(c), Oct. 6, 2004, 118 Stat. 1219.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–323 inserted “and principal” after “interest”.

§ 2431i. Board

(a) Enterprise for the Americas Board

The Enterprise for the Americas Board established under section 1738i(a) of title 7 shall, in addition to carrying out the responsibilities of the Board under section 1738i(c) of title 7, carry out the duties described in subsection (c) of this section for the purposes of this subchapter.

(b) Additional membership

(1) In general

The Enterprise for the Americas Board shall be composed of an additional four members appointed by the President as follows:

(A) Two representatives from the United States Government, including a representative of the International Forestry Division of the United States Forest Service.

(B) Two representatives from private nongovernmental environmental, scientific, forestry, or academic organizations with experience and expertise in preservation, maintenance, sustainable uses, and restoration of tropical forests.

(2) Chairperson

Notwithstanding section 1738i(b)(2) of title 7, the Enterprise for the Americas Board shall be headed by a chairperson who shall be appointed by the President and shall be the representative from the Department of State appointed under section 1738i(b)(1)(A) of title 7.

(c) Duties

The duties described in this subsection are as follows:

- (1) Advise the Secretary of State on the negotiations of Tropical Forest Agreements.
- (2) Ensure, in consultation with—
 - (A) the government of the beneficiary country;
 - (B) nongovernmental organizations of the beneficiary country;
 - (C) nongovernmental organizations of the region (if appropriate);
 - (D) environmental, scientific, forestry, and academic leaders of the beneficiary country; and
 - (E) environmental, scientific, forestry, and academic leaders of the region (as appropriate),

that a suitable administering body is identified for each Fund.

- (3) Review the programs, operations, and fiscal audits of each administering body.

(Pub. L. 87–195, pt. V, §811, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 892; amended Pub. L. 107–26, §3, Aug. 17, 2001, 115 Stat. 206; Pub. L. 110–246, title III, §3001(b)(1)(A), (2)(Q), June 18, 2008, 122 Stat. 1820.)

AMENDMENTS

2008—Subsecs. (a), (b)(2). Pub. L. 110–246 made technical amendments to references in original act which appear in text as references to section 1738i(a) of title 7 in subsec. (a) and section 1781i(b)(2) of title 7 in subsec. (b)(2).

2001—Subsec. (b)(2). Pub. L. 107–26 substituted “and shall be the representative from the Department of State appointed under section 1738i(b)(1)(A) of title 7” for “from among the representatives appointed under section 1738i(b)(1)(A) of title 7 or paragraph (1)(A) of this subsection”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

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.

§ 2431j. Consultations with Congress

The President shall consult with the appropriate congressional committees on a periodic basis to review the operation of the Facility under this subchapter and the eligibility of countries for benefits from the Facility under this subchapter.

(Pub. L. 87–195, pt. V, §812, as added Pub. L. 105–214, §1, July 29, 1998, 112 Stat. 893.)

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 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.

§ 2431k. Annual reports to Congress

(a) In general

Not later than December 31 of each year, the President shall prepare and transmit to the Congress an annual report concerning the operation of the Facility for the prior fiscal year. Such report shall include—

- (1) a description of the activities undertaken by the Facility during the previous fiscal year;
- (2) a description of any Agreement entered into under this subchapter;
- (3) a report on any Funds that have been established under this subchapter and on the operations of such Funds; and
- (4) a description of any grants that have been provided by administering bodies pursuant to Agreements under this subchapter.

(b) Supplemental views in annual report

Not later than December 15 of each year, each member of the Board shall be entitled to receive

¹ So in original. Probably should be “and”.