

(c) Definitions

As used in this section:

(1) Eligible entity

The term “eligible entity” means a State forester or equivalent State official, State, political subdivision of a State, Federal agency, private organization, corporation, or other private person.

(2) State

The term “State” means each of the 50 States, Guam, American Samoa, the Republic of Palau (until the Compact of Free Association enters into effect), Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

(Pub. L. 102-574, §3, Oct. 29, 1992, 106 Stat. 4596.)

REFERENCES IN TEXT

For Oct. 1, 1994, as the date the Compact of Free Association with the Republic of Palau enters into effect, referred to in subsec. (c)(2), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

CODIFICATION

Section was enacted as part of the Hawaii Tropical Forest Recovery Act, and not as part of the International Forestry Cooperation Act of 1990 which comprises this chapter.

AUTHORIZATION OF APPROPRIATIONS

Section 5 of Pub. L. 102-574 provided that: “There are authorized to be appropriated such sums as are necessary to carry out sections 3 and 4 [enacting this section and provisions set out as a note under 4503a of this title].”

§ 4503. Institute of Tropical Forestry in Puerto Rico

(a) Expansion

The Secretary shall expand the capabilities of and construct additional facilities at the Caribbean National Forest and Institute of Tropical Forestry in Puerto Rico, as the Secretary determines necessary to support the purpose of this chapter, and as funds are appropriated for such expansion and construction.

(b) Tropical forestry plans

Not later than 1 year after November 5, 1990, the Secretary shall prepare and submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Agriculture of the House of Representatives, and to the Committees on Appropriations of the Senate and House of Representatives, a tropical forestry plan for the expansion and construction of additional facilities under subsection (a) of this section. Such plan shall include provisions for—

- (1) the construction or acquisition of a major center for education, interpretation, and appreciation of the benefits and methods of the intelligent management of tropical forests;
- (2) the acquisition or construction of facilities for housing and classroom instruction near the Caribbean National Forest/Luguillo Experimental Forest; and
- (3) the acquisition or construction of facilities for the study and recovery of endangered tropical wildlife, fish and plant species.

(Pub. L. 101-513, title VI, §604, Nov. 5, 1990, 104 Stat. 2071; Pub. L. 102-574, §2(b)(2), Oct. 29, 1992, 106 Stat. 4596.)

AMENDMENTS

1992—Pub. L. 102-574 inserted “in Puerto Rico” in section catchline.

CHANGE OF NAME

Ex. Ord. No. 13428, Apr. 2, 2007, 72 F.R. 16693, provided that the Caribbean National Forest in the Commonwealth of Puerto Rico, referred to in subsecs. (a) and (b)(2), is renamed the “El Yunque National Forest”.

§ 4503a. Institute of Pacific Islands Forestry

(a) Expansion

The Secretary shall expand the capabilities of and construct additional facilities, as funds are appropriated for the expansion and construction, at—

- (1) the Institute of Pacific Islands Forestry; and
- (2) tropical forests in the State of Hawaii.

(b) Tropical forestry plan

(1) In general

Not later than 1 year after the date of receipt by the Secretary of the action plan required by section 5(b)¹ of the Hawaii Tropical Forest Recovery Act, the Secretary shall prepare and submit to the Committee on Agriculture and the Committee on Natural Resources of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and to the Committees on Appropriations of the House of Representatives and Senate, a tropical forestry plan to expand the capabilities of and construct additional facilities under subsection (a) of this section.

(2) Elements

The plan shall provide for—

- (A) the establishment of a model center for research, demonstration, education, training, and outreach activities suitable for transferring scientific, technical, managerial, and administrative assistance to governmental and non-governmental organizations seeking to address problems associated with tropical forests within and outside the United States;
- (B) the acquisition or construction of facilities for research, classroom instruction, and housing near an experimental tropical forest in the State of Hawaii;
- (C) the acquisition or construction of facilities for the study and recovery of endangered tropical wildlife, fish, and plant species and the restoration of their habitats;
- (D) the study of biological control of non-native species that degrade or destroy native forest ecosystems;
- (E) achieving a better understanding of global climate change and the significance of achieving a reduction of greenhouse gases through research associated with the unique atmospheric conditions found in Hawaii and the Pacific Ocean;

¹ See References in Text note below.

(F) a review of the extent to which existing Federal forestry programs can be utilized to achieve the purposes of the plan; and

(G) the establishment of experimental tropical forests in the State of Hawaii as authorized by section 4503b of this title.

(3) Capability

In preparing elements of the plan that address paragraph (2)(F), the Secretary shall identify the capability of the plan—

(A) to promote a greater understanding of tropical forest ecosystem processes, conservation biology, and biodiversity management;

(B) to demonstrate the various benefits of maintaining a tropical forest reserve system;

(C) to promote sound watershed and forest management;

(D) to develop compatible land uses adjacent to protected natural areas; and

(E) to develop new methods of reclaiming and restoring degraded lands.

(Pub. L. 101-513, title VI, §605, as added Pub. L. 102-574, §2(a)(2), Oct. 29, 1992, 106 Stat. 4593; amended Pub. L. 103-437, §6(d)(42), Nov. 2, 1994, 108 Stat. 4585.)

REFERENCES IN TEXT

Section 5(b) of the Hawaii Tropical Forest Recovery Act, referred to in subsec. (b)(1), probably means section 4(b) of that Act, Pub. L. 102-574, which contains provisions regarding an action plan, and which is set out as a note below. Section 5 of that Act, which is set out as a note under section 4502a of this title, does not contain a subsec. (b).

PRIOR PROVISIONS

A prior section 605 of Pub. L. 101-513 was renumbered section 609 and is classified to section 4504 of this title.

AMENDMENTS

1994—Subsec. (b)(1). Pub. L. 103-437 substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

HAWAII TROPICAL FOREST RECOVERY TASK FORCE

Pub. L. 102-574, §4, Oct. 29, 1992, 106 Stat. 4597, provided that:

“(a) ESTABLISHMENT.—There is established the Hawaii Tropical Forest Recovery Task Force (hereafter in this section referred to as the ‘Task Force’) to advise the Secretary of Agriculture with respect to tropical forests and related ecosystems in the State of Hawaii.

“(b) ACTION PLAN.—Not later than 1 year after the date of the first meeting of the Task Force, the Task Force shall submit to the Committees, Secretaries, and Governor referred to in subsection (k) an action plan that contains findings and recommendations for rejuvenating Hawaii’s tropical forests, including findings and recommendations on—

“(1) methods of restoring the health of declining or degraded tropical forest land;

“(2) compatible uses within tropical forests, particularly agroforestry and the cultivation of scarce or valuable hardwoods and other forest products in Hawaii’s tropical forests;

“(3) actions to encourage and accelerate the identification and classification of unidentified plant, animal, and microbe species;

“(4) actions to—

“(A) promote public awareness of tropical forest preservation;

“(B) protect threatened and endangered species;

“(C) improve forest management and planning; and

“(D) promote public awareness of the harm caused by introduced species;

“(5) the benefits of fencing or other management activities for the protection of Hawaii’s native plants and animals from non-native species, including the identification and priorities for the areas where these activities are appropriate;

“(6) traditional practices, uses, and needs of native Hawaiians in tropical forests;

“(7) means of improving the health of tropical forests and related ecosystems in the State of Hawaii through programs administered by the Secretary of Agriculture and the Secretary of the Interior;

“(8) the capability of existing Federal, State, and private forestry programs for rejuvenating Hawaii’s tropical forests; and

“(9) such other issues relating to tropical forests in Hawaii as the Task Force considers appropriate.

“(c) COMPOSITION.—The Task Force shall be composed of 12 members, of whom—

“(1) three members shall be appointed by the Secretary of Agriculture, two of whom shall be representatives of the Forest Service and the Soil Conservation Service, respectively;

“(2) two members shall be appointed by the Secretary of the Interior as representatives of the United States Fish and Wildlife Service and the National Park Service, respectively;

“(3) six members shall be appointed by the Governor of Hawaii, of whom—

“(A) two members shall be private owners of tropical forest lands;

“(B) two members shall be experts in the field of tropical forestry; and

“(C) two members shall be representatives of Hawaii conservation organizations that have demonstrated expertise in the areas of tropical forest management, habitat preservation, and alien species control or have demonstrated effective advocacy in the areas; and

“(4) one member shall be the Administrator of the Department of Land and Natural Resources, State of Hawaii, or the designated representative of the Administrator.

“(d) INITIAL APPOINTMENTS.—Appointments under this section to the Task Force shall be made not later than 90 days after the date of enactment of this Act [Oct. 29, 1992].

“(e) CHAIRPERSON.—The Task Force shall select a Chairperson from among its members.

“(f) VACANCIES.—A vacancy on the Task Force shall not affect its powers and shall be filled in the same manner as the original appointment.

“(g) COMPENSATION.—

“(1) IN GENERAL.—A member of the Task Force shall not receive compensation as a result of the performance of services for the Task Force.

“(2) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Task Force.

“(h) MEETINGS.—The Task Force shall meet not later than 180 days after the date of enactment of this Act [Oct. 29, 1992] and shall meet at the call of the Chairperson.

“(i) VOTING.—The Task Force shall act and advise by majority vote.

“(j) ASSISTANCE.—The Secretary of Agriculture and the Secretary of the Interior shall provide such assistance and support as are necessary to meet the objectives of the Task Force. The assistance shall include making Federal facilities, equipment, tools, and technical assistance available on such terms and conditions as the appropriate Secretary considers necessary.

“(k) REPORT.—The action plan required under subsection (b) shall be submitted to—

“(1) the Committees on Agriculture and Interior [now Committee on Natural Resources] of the House of Representatives;

“(2) the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate;

“(3) the Secretary of Agriculture;

“(4) the Secretary of the Interior; and

“(5) the Governor of Hawaii.

“(7) NONAPPLICABILITY OF CERTAIN PROVISIONS OF LAW.—Sections 7(d), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2 [sic]) [5 U.S.C. App.] shall not apply to the Task Force.

“(m) TERMINATION.—The Task Force and authority to carry out this section shall terminate 180 days after submitting the report required by subsection (b).”

§ 4503b. Hawaii Experimental Tropical Forest

(a) Definitions

As used in this section:

(1) Forest

The term “Forest” means the Hawaii Experimental Tropical Forest.

(2) Governor

The term “Governor” means the Governor of Hawaii.

(3) Lands

The term “lands” means lands, waters, and interests in lands and waters.

(4) State

The term “State” means the State of Hawaii.

(b) Establishment and management

At the request of the Governor, the Secretary shall establish and administer within the State a Hawaii Experimental Tropical Forest. The Forest shall be managed as—

(1) a model of quality tropical forest management where harvesting on a sustainable yield basis can be demonstrated in balance with natural resource conservation;

(2) a site for research on tropical forestry, conservation biology, and natural resource management; and

(3) a center for demonstration, education, training, and outreach on tropical forestry, conservation biology, and natural resources research and management.

(c) Delineation of location of Forest

(1) Identification of lands

The Governor and the Secretary shall identify one or more suitable sites for the Forest in lands within the State. The identification of each site shall be based on scientific, ecological, administrative, and such other factors as the Governor and Secretary consider to be necessary or desirable to achieve the purposes of this section. Each site identified pursuant to the preceding sentence shall be of sufficient size and located so that the site can be effectively managed for Forest purposes.

(2) Exterior boundaries

The exterior boundaries of the Forest, including the boundaries of all sites identified for Forest purposes, shall be delineated on an official map. The map shall be available for public inspection in the office of the Adminis-

trator of the Division of Forestry and Wildlife of the Department of Land and Natural Resources of the State. The Governor and the Secretary may from time to time, by mutual agreement, amend the official map to modify the boundaries of the Forest.

(d) Authorities of Secretary

(1) In general

To carry out the purposes of this section, the Secretary is authorized—

(A) to administer the Forest in cooperation with the Governor and affected State agencies;

(B) to make grants and enter into contracts and cooperative agreements with the Federal Government, the government of the State, local governments, corporations, non-profit organizations and individuals;

(C) to exercise existing authority with respect to cooperative forestry and research for Forest purposes; and

(D) to issue necessary rules and regulations or apply existing rules and regulations applicable to areas administered by the Forest Service that are necessary or desirable to administer the Forest—

(i) for the purposes described in subsection (b) of this section;

(ii) to protect persons within the Forest; and

(iii) to preserve and protect the resources in the Forest.

(2) Land acquisition

The authority in section 1643 of this title shall be available to the Secretary to carry out this section.

(3) Statutory construction

Nothing in this section is intended to affect the jurisdiction of the State, both civil and criminal, over any person within the Forest by reason of the establishment of the Forest under this section, except in the case of a penalty for an offense against the United States.

(Pub. L. 101-513, title VI, § 606, as added Pub. L. 102-574, § 2(a)(2), Oct. 29, 1992, 106 Stat. 4594.)

PRIOR PROVISIONS

A prior section 606 of Pub. L. 101-513 was renumbered section 610 and is classified to section 4505 of this title.

§ 4503c. Omitted

CODIFICATION

Section, Pub. L. 101-513, title VI, § 607, as added Pub. L. 102-574, § 2(a)(2), Oct. 29, 1992, 106 Stat. 4595, which required the Secretary of Agriculture to make annual reports to Congress, submitting the reports pursuant to section 1606(c) of this title, on the progress, needs, and long-range plans of the Institutes of Tropical Forestry in meeting the requirements of section 6706 of Title 7, Agriculture, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 45 of House Document No. 103-7.

A prior section 607 of Pub. L. 101-513, which amended sections 1641, 1643, 2101, and 2109 of this title, was renumbered section 611.

§ 4503d. Definitions

As used in this chapter (unless the context otherwise requires):