

Executive Documents

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).

(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;
- (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.)

Editorial Notes

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".

Statutory Notes and Related Subsidiaries

HAWAII TROPICAL FOREST RECOVERY TASK FORCE

Pub. L. 102-574, §4, Oct. 29, 1992, 106 Stat. 4597, established the Hawaii Tropical Forest Recovery Task Force to study Hawaii's tropical forests, required the Task Force to submit an action plan for rejuvenating the forests one year after its first meeting, and terminated the Task Force 180 days after submission of the action plan.

§ 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

¹ See References in Text note below.

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 Administrator 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);

(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.)

Editorial Notes

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

Editorial Notes

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):

(1) Institutes of Tropical Forestry

The term “Institutes of Tropical Forestry” means the Institute of Tropical Forestry in Puerto Rico and the Institute of Pacific Islands Forestry established under section 6706 of title 7.

(2) Secretary

The term “Secretary” means the Secretary of Agriculture.

(3) 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. 101-513, title VI, § 608, as added Pub. L. 102-574, § 2(a)(2), Oct. 29, 1992, 106 Stat. 4595.)

Editorial Notes

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 par. (3), 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.

§ 4504. Administrative provisions

(a) Coordination of activities

The Secretary shall coordinate all activities outside of the United States under this chapter