

Public Law 102-574
102d Congress

An Act

To promote the recovery of Hawaii tropical forests, and for other purposes.

Oct. 29, 1992
[S. 2679]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Hawaii Tropical
Forest Recovery
Act.
Conservation.
16 USC 4501
note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaii Tropical Forest Recovery Act".

SEC. 2. HAWAII TROPICAL FOREST RECOVERY.

(a) IN GENERAL.—The International Forestry Cooperation Act of 1990 (16 U.S.C. 4501 et seq.) is amended—

- (1) by redesignating sections 605, 606, and 607 as sections 609, 610, and 611, respectively; and
(2) by inserting after section 604 the following new sections:

16 USC 4504,
4505.

"SEC. 605. INSTITUTE OF PACIFIC ISLANDS FORESTRY.

16 USC 4503a.

"(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) of the Hawaii Tropical Forest Recovery Act, the Secretary shall prepare and submit to the Committee on Agriculture and the Committee on Interior and Insular Affairs 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 606.

“(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.

16 USC 4503b.

“SEC. 606. 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 THE LOCATION OF THE 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.

Public
information.

“(d) AUTHORITIES OF THE 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, nonprofit 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 4 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643) 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.

“SEC. 607. ANNUAL REPORT ON INSTITUTES OF TROPICAL FORESTRY. 16 USC 4503c.

“The Secretary shall make annual reports to Congress on the progress, needs, and long-range plans of the Institutes of Tropical Forestry in meeting the requirements of section 2407 of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6706). Such reports shall be submitted by the Secretary pursuant to section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

“SEC. 608. DEFINITIONS. 16 USC 4503d.

“As used in this title (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 2407 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6706).

“(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.”

(b) CONFORMING AMENDMENTS.—

(1) Section 602(b) of the International Forestry Cooperation Act of 1990 (16 U.S.C. 4501(b)) is amended by striking “(hereinafter referred to in this title as the Secretary)”.

(2) The heading of section 604 of such Act (16 U.S.C. 4503) is amended to read as follows:

“SEC. 604. INSTITUTE OF TROPICAL FORESTRY IN PUERTO RICO.”

16 USC 4502a.

SEC. 3. TROPICAL FORESTRY RESEARCH AND ASSISTANCE.

(a) ASSISTANCE.—To promote sound management and conservation of tropical forests of the United States and to promote the development and transfer of technical, managerial, educational, and administrative skills to managers of tropical forests within or outside the United States, the Secretary of Agriculture is authorized to provide assistance through the Forest Service to eligible entities in States with tropical forests to—

(1) develop, promote, and demonstrate sustainable harvesting of native woods and other forest products on a sustainable yield basis in balance with natural resource conservation;

(2) promote habitat preservation and species protection or recovery;

(3) protect indigenous plant and animal species and essential watersheds from non-native animals, plants, and pathogens;

(4) establish biological control agents for non-native species that threaten natural ecosystems;

(5) establish a monitoring system in tropical forests to identify baseline conditions and determine detrimental changes or improvements over time;

(6) detect and appraise stresses affecting tropical forests caused by insect infestations, diseases, pollution, fire, and non-native animal and plant species, and by the influence of people;

(7) determine the causes of changes that are detected through experimentation, intensive monitoring, and data collection at affected tropical forest sites; and

(8) engage in research, demonstration, education, training, and outreach that furthers the objectives of this subsection.

(b) FORM OF ASSISTANCE.—Assistance provided to eligible entities under this section may be in the form of grants, contracts, or cooperative agreements.

(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.

SEC. 4. HAWAII TROPICAL FOREST RECOVERY TASK FORCE.

16 USC 4503a.

(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.

(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 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 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.

(l) 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) 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).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out sections 3 and 4.

16 USC 4502a
note.

Approved October 29, 1992.

LEGISLATIVE HISTORY—S. 2679:

CONGRESSIONAL RECORD, Vol. 138 (1992):

Sept. 30, considered and passed Senate.

Oct. 2, considered and passed House.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):

Oct. 29, Presidential statement.