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# SIKES ACT AMENDMENTS ACT OF 2011

JULY 21, 2011.—Committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Mr. HASTINGS of Washington, from the Committee on Natural Resources, submitted the following

# R E P O R T

[To accompany H.R. 1670]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 1670) to amend the Sikes Act to improve the application of that Act to State-owned facilities used for the national defense, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Sikes Act Amendments Act of 2011".

**SEC. 2. IMPROVED SIKES ACT COVERAGE OF STATE-OWNED FACILITIES USED FOR THE NATIONAL DEFENSE.**

(a) IMPROVEMENTS TO ACT.—The Sikes Act (16 U.S.C. 670 et seq.) is amended as follows:

(1) DEFINITIONS.—Section 100 (16 U.S.C. 670) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraphs:

"(2) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands.

"(3) STATE-OWNED NATIONAL GUARD INSTALLATION.—The term 'State-owned National Guard installation' means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32, United States Code, with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.".

(2) FUNDING OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Section 101 (16 U.S.C. 670a) is amended—

(A) in subsection (a)(1)(B)—

(i) by inserting "(i)" before "To facilitate"; and

(ii) by adding at the end the following new clause:

"(ii) The Secretary of a military department may, subject to the availability of appropriations, develop and implement an integrated natural resources management plan for a State-owned National Guard installation. Such a plan shall be developed and implemented in coordination with the chief executive officer of the State in which the State-owned National Guard installation is located. Such a plan is deemed, for purposes of any other provision of law, to be for lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use.";

(B) in subsection (a)(2), by inserting "or State-owned National Guard installation" after "military installation" both places it appears;

(C) in subsection (a)(3)—

(i) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(ii) by inserting "(A)" before "Consistent";

(iii) in subparagraph (A), as designated by clause (ii) of this subparagraph, by inserting "and State-owned National Guard installations" after "military installations" the first place it appears;

(iv) in clause (i) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by striking "military installations" and inserting "such installations";

(v) in clause (ii) of subparagraph (A), as redesignated by clause (i) of this subparagraph, by inserting "on such installations" after "resources"; and

(vi) by adding at the end the following subparagraph:

"(B) In the case of a State-owned National Guard installation, such program shall be carried out in coordination with the chief executive officer of the State in which the installation is located.";

(D) in subsection (b), by inserting "and State-owned National Guard installations" after "military installations" the first place it appears;

(E) in subparagraphs (G) and (I) of subsection (b)(1), by striking "military installation" each place it appears and inserting "installation"; and

(F) in subsection (b)(3), by inserting ", in the case of a military installation," after "(3) may".

(3) COOPERATIVE AGREEMENTS.—Section 103a(a) (16 U.S.C. 670c–1(a)) is amended—

(A) in paragraph (1), by striking "Department of Defense installations" and inserting "military installations and State-owned National Guard installations"; and

(B) in paragraph (2), by striking "Department of Defense installation" and inserting "military installation or State-owned National Guard installation".

(b) SECTION AND SUBSECTION HEADINGS.—Such Act is further amended as follows:

(1) Section 101 (16 U.S.C. 670a) is amended—

(A) by inserting at the beginning the following:

**"SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND REHABILITATION.";**

(B) by striking "SEC. 101.";

(C) in subsection (c), by inserting "PROHIBITIONS ON SALE AND LEASE OF LANDS UNLESS EFFECTS COMPATIBLE WITH PLAN.—" after "(c)";

(D) in subsection (d), by inserting "IMPLEMENTATION AND ENFORCEMENT OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—" after "(d)"; and

(E) in subsection (e)—

(i) by inserting "APPLICABILITY OF OTHER LAWS.—" after "(e)"; and

(ii) by inserting a comma after "Code".

(2) Section 102 (16 U.S.C. 670b) is amended—

(A) by inserting at the beginning the following:

**"SEC. 102. MIGRATORY GAME BIRDS; HUNTING PERMITS.";**

(B) by striking "SEC. 102." and inserting "(a) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—"; and

(C) by striking "agency:" and all that follows through "possession" and inserting "agency.

"(b) APPLICABILITY OF OTHER LAWS.—Possession".

(3) Section 103a (16 U.S.C. 670c–1) is further amended—

(A) by inserting at the beginning the following:

**"SEC. 103A. COOPERATIVE AND INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON INSTALLATIONS.";**

(B) by striking "SEC. 103a.";

(C) in subsection (a), by inserting "AUTHORITY OF SECRETARY OF MILITARY DEPARTMENT.—" after "(a)"; and

(D) in subsection (c), by inserting "AVAILABILITY OF FUNDS; AGREEMENTS UNDER OTHER LAWS.—" after "(c)".

(4) Section 104 (16 U.S.C. 670d) is amended—

(A) by inserting at the beginning the following:

**"SEC. 104. LIABILITY FOR FUNDS; ACCOUNTING TO COMPTROLLER GENERAL.";**

and

(B) by striking "SEC. 104.".

(5) Section 105 (16 U.S.C. 670e) is amended—

(A) by inserting at the beginning the following:

**"SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL FOREST LANDS.";**

and

(B) by striking "SEC. 105.".

(6) Section 108 (16 U.S.C. 670f) is amended—

(A) by inserting at the beginning the following:

**"SEC. 108. APPROPRIATIONS AND EXPENDITURES.";**

(B) by striking "SEC. 108.";

(C) in subsection (a), by inserting "EXPENDITURES OF COLLECTED FUNDS UNDER INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—" after "(a)";

(D) in subsection (b), by inserting "AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF DEFENSE.—" after "(b)";

(E) in subsection (c), by inserting "AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF THE INTERIOR.—" after "(c)"; and

(F) in subsection (d), by inserting "USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES.—" after "(d)".

(7) Section 201 (16 U.S.C. 670g) is amended—

(A) by inserting at the beginning the following:

**"SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND REHABILITATION PROGRAMS.";**

(B) by striking "SEC. 201.";

(C) in subsection (a), by inserting "PROGRAMS REQUIRED.—" after "(a)"; and

(D) in subsection (b), by inserting "IMPLEMENTATION OF PROGRAMS.—" after "(b)".

(8) Section 202 (16 U.S.C. 670h) is amended—

(A) by inserting at the beginning the following:

**"SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION AND REHABILITATION PROGRAMS.";**

(B) by striking "SEC. 202.";

(C) in subsection (a), by inserting "DEVELOPMENT OF PLANS.—" after "(a)";

(D) in subsection (b), by inserting "CONSISTENCY WITH OVERALL LAND USE AND MANAGEMENT PLANS; HUNTING, TRAPPING, AND FISHING.—" after "(b)";

(E) in subsection (c), by inserting "COOPERATIVE AGREEMENTS BY STATE AGENCIES FOR IMPLEMENTATION OF PROGRAMS.—" after "(c)"; and

(F) in subsection (d), by inserting "STATE AGENCY AGREEMENTS NOT COOPERATIVE AGREEMENTS UNDER OTHER PROVISIONS.—" after "(d)".

(9) Section 203 (16 U.S.C. 670i) is amended—

(A) by inserting at the beginning the following:

**"SEC. 203. PUBLIC LAND MANAGEMENT AREA STAMPS FOR HUNTING, TRAPPING, AND FISHING ON PUBLIC LANDS SUBJECT TO PROGRAMS.";**

(B) by striking "SEC. 203.";

(C) in subsection (a), by inserting "AGREEMENTS TO REQUIRE STAMPS.—" after "(a)"; and

(D) in subsection (b)—

(i) by inserting "CONDITIONS FOR AGREEMENTS.—" after "(b)"; and

(ii) by moving paragraph (3) 2 ems to the right, so that the left-hand margin aligns with that of paragraph (2).

(10) Section 204 (16 U.S.C. 670j) is amended—

(A) by inserting at the beginning the following:

**"SEC. 204. ENFORCEMENT PROVISIONS.";**

(B) by striking "SEC. 204.";

(C) in subsection (a), by inserting "VIOLATIONS AND PENALTIES.—" after "(a)";

(D) in subsection (b), by inserting "ENFORCEMENT POWERS AND PROCEEDINGS.—" after "(b)";

(E) in subsection (c), by inserting "SEIZURE AND FORFEITURE.—" after "(c)"; and

(F) in subsection (d), by inserting "APPLICABILITY OF CUSTOMS LAWS.—" after "(d)".

(11) Section 205 (16 U.S.C. 670k) is amended—

(A) by inserting at the beginning the following:

**"SEC. 205. DEFINITIONS.";**

and

(B) by striking "SEC. 205.".

(12) Section 206 (16 U.S.C. 670l) is amended—

(A) by inserting at the beginning the following:

**"SEC. 206. STAMP REQUIREMENTS NOT APPLICABLE TO FOREST SERVICE AND BUREAU OF LAND MANAGEMENT LANDS; AUTHORIZED FEES.";**

and

(B) by striking "SEC. 206.".

(13) Section 207 (16 U.S.C. 670m) is amended—

(A) by inserting at the beginning the following:

**"SEC. 207. INDIAN RIGHTS; STATE OR FEDERAL JURISDICTION REGULATING INDIAN RIGHTS.";**

and

(B) by striking "SEC. 207.".

(14) Section 209 (16 U.S.C. 670o) is amended—

(A) by inserting at the beginning the following:

**"SEC. 209. AUTHORIZATION OF APPROPRIATIONS.";**

(B) by striking "SEC. 209.";

(C) in subsection (a), by inserting "FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF THE INTERIOR.—" after "(a)";

(D) in subsection (b), by inserting "FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF AGRICULTURE.—" after "(b)";

(E) in subsection (c), by inserting "USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES.—" after "(c)"; and

(F) in subsection (d), by inserting "CONTRACT AUTHORITY.—" after "(d)".

(c) CODIFICATION OF CHANGE OF NAME.—Section 204(b) of such Act (16 U.S.C. 670j) is amended by striking "magistrate" both places it appears and inserting "magistrate judge".

(d) REPEAL OF OBSOLETE SECTION.—Section 208 of such Act is repealed, and section 209 of such Act (16 U.S.C. 670o) is redesignated as section 208.

## PURPOSE OF THE BILL

The purpose of H.R. 1670, as ordered reported, is to amend the Sikes Act to improve the application of that Act to State-owned facilities used for the national defense.

## BACKGROUND AND NEED FOR LEGISLATION

The Department of Defense (DOD) controls nearly 30 million acres of fish and wildlife habitat at approximately 400 military installations nationwide. These lands contain a wealth of plant and animal life, wetlands for migratory birds and nearly 300 federally listed threatened and endangered species. Prior to the Sikes Act Implementation Act of 1997, DOD was able to enter into voluntary "cooperative plans" with the Secretary of the Interior and the appropriate state fish and wildlife agency to carry out a program to plan, develop, maintain and coordinate fish and wildlife conservation efforts on military lands. These plans were neither uniform nor comprehensive in their requirements, and DOD was not required to implement them.

Under current law, DOD is required to complete a comprehensive Integrated Natural Resource Management Plan (INRMP) for each

of its installations. An INRMP is defined as: "An integrated plan based, to the maximum extent practicable, on ecosystem management that shows the interrelationships of individual components of natural resources management to mission requirements and other land use activities affecting an installation's natural resources." These plans should include the following components: fish and wildlife management and wildlife-oriented recreation; fish and wildlife habitat enhancement; wetland protection; establishment of specific management goals; public use of natural resources; enforcement of all natural resource laws; and how a "no net loss" of military lands would be ensured. The law allows for a public comment period for each INRMP, requires that each plan be completed within two years, stipulates that a sufficient number of professional trained natural resource management personnel be available to complete these plans and requires an annual report to Congress. These plans must be reviewed by installation commanders, the Service and the states regularly, but no less than every five years. The only exception involves those bases that do not have any significant fish, wildlife or natural resources. DOD believes that 380 military installations are required to complete an INRMP.

The fundamental goals of INRMPs are to assist installation commanders in their efforts to conserve and rehabilitate natural resources and to balance the use of its air, land and water resources for military training and testing with the need to conserve wildlife resources for future generations. They are a comprehensive approach to ecosystem management which, in a proactive way, protects endangered species and their habitats.

On November 24, 2003, the National Defense Authorization Act was signed into law and it modified a number of Sikes Act provisions. Among the changes was one to the Endangered Species Act which precluded the designation of critical habitat for listed species on DOD lands when those facilities had an approved INRMP. This was an important modification because thousands of acres of military lands were being designated as "critical habitat" and the net effect was that an increasing number of military training activities were being curtailed, eliminated or limited because of these restrictions.

The purpose of H.R. 1670 is to direct the Secretary of Defense to develop and implement an INRMP for 47 State-owned Army National Guard facilities in 30 states. This would affect some 510,546 acres. Under the terms of this language, DOD, in coordination with the Governor of each affected state and the Fish and Wildlife Service, would be responsible for completing an INRMP for each installation. While the vast majority of these state installations have implemented their own integrated plans, they have not been coordinating their efforts with the federal government. By coming under the jurisdiction of the Sikes Act, this should protect these state-owned installations from the loss of training lands due to critical habitat designations, it will establish a uniform standard for all Army facilities, and it will make these modifications without requiring any additional federal spending. Finally, the bill makes a number of technical changes to various provisions dealing with the conservation of wildlife species on military lands in an effort to conform this law with the many revisions that have occurred since this law was first enacted in 1960.

The text of this bill has been included in the National Defense Authorization Act for Fiscal Year 2012 (H.R. 1540).

## COMMITTEE ACTION

H.R. 1670, the Sikes Act Amendments Act of 2011, was introduced on May 2, 2011, by Delegate Madeleine Bordallo (D–GU). The bill was referred primarily to the Committee on Natural Resources and additionally to the Committee on Armed Services. Within the Resources Committee, the bill was referred to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs. The subcommittee held a hearing on the bill on May 12, 2011. On May 25, 2011, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs was discharged by unanimous consent. A technical amendment offered by Delegate Bordallo was approved by unanimous consent. The bill was then 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 Natural Resources' oversight findings and recommendations are reflected in the body of this report.

## COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) 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)(2)(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. 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. 1670—Sikes Act Amendments Act of 2011*

H.R. 1670 would authorize the Department of Defense (DoD) to develop and implement integrated natural resources management plans (INRMPs) for state-owned National Guard installations. Such plans currently guide efforts to protect endangered species, manage forests and rangeland, control invasive species, operate recreational hunting and fishing programs, and direct other environmental management programs at federally owned facilities. The bill would permit federal appropriations to be used at state-owned sites, and also would allow National Guard installations to use those plans to protect endangered species, in lieu of having such sites designated as critical habitat by the U.S. Fish and Wildlife Service.

DoD spends almost $200 million annually to develop and implement INRMPs for 29 million acres of federally owned or controlled land on military installations. Based on information from DoD, CBO estimates that an additional 450,000 acres of state-owned

land at National Guard bases would become eligible to receive funding for INRMPs under H.R. 1670. Based on the department's current spending for INRMPs for federal land, CBO estimates that developing and implementing those plans would increase spending by about $9 million over the 2012–2016 period, assuming the availability of appropriated funds. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

The estimated budgetary impact of H.R. 1670 is shown in the following table. The costs of this legislation fall within budget function 050 (national defense).

| | By fiscal year, in millions of dollars— | | | | | |
|---|---|---|---|---|---|---|
| | 2012 | 2013 | 2014 | 2015 | 2016 | 2012–2016 |
| Estimated Authorization Level | 2 | 2 | 2 | 2 | 2 | 10 |
| Estimated Outlays | 1 | 2 | 2 | 2 | 2 | 9 |

H.R. 1670 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is David Newman. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of 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 credit authority, or an increase or decrease in revenues or tax expenditures. CBO estimates that developing and implementing the bill would increase spending by about $9 million over the 2012–2016 period, assuming the availability of appropriated funds. Enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill, as ordered reported, is to amend the Sikes Act to improve the application of that Act to State-owned facilities used for the national defense.

## EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

## 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 MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## SIKES ACT

* * * * * * *

## TITLE I—CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS

**SEC. 100. DEFINITIONS.**

In this title:

(1) * * *

*(2) STATE.—The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the Virgin Islands.*

*(3) STATE-OWNED NATIONAL GUARD INSTALLATION.—The term "State-owned National Guard installation" means land owned and operated by a State when such land is used for training the National Guard pursuant to chapter 5 of title 32, United States Code, with funds provided by the Secretary of Defense or the Secretary of a military department, even though such land is not under the jurisdiction of the Department of Defense.*

**[**(2)**]** *(4)* STATE FISH AND WILDLIFE AGENCY.—The term "State fish and wildlife agency" means the one or more agencies of State government that are responsible under State law for managing fish or wildlife resources.

**[**(3)**]** *(5)* UNITED STATES.—The term "United States" means the States, the District of Columbia, and the territories and possessions of the United States.

**[**SEC. 101.**]**

***SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND REHABILITATION.***

(a) AUTHORITY OF SECRETARY OF DEFENSE.—

(1) PROGRAM.—

(A) * * *

(B) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—*(i)* To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate.

*(ii) The Secretary of a military department may, subject to the availability of appropriations, develop and implement an integrated natural resources management plan for a State-owned National Guard installation. Such a plan shall be developed and implemented in coordination with*

*the chief executive officer of the State in which the State-owned National Guard installation is located. Such a plan is deemed, for purposes of any other provision of law, to be for lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use.*

(2) COOPERATIVE PREPARATION.—The Secretary of a military department shall prepare each integrated natural resources management plan for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the head of each appropriate State fish and wildlife agency for the State in which the military installation *or State-owned National Guard installation* concerned is located. Consistent with paragraph (4), the resulting plan for the military installation *or State-owned National Guard installation* shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

(3) PURPOSES OF PROGRAM.—*(A)* Consistent with the use of military installations *and State-owned National Guard installations* to ensure the preparedness of the Armed Forces, the Secretaries of the military departments shall carry out the program required by this subsection to provide for—

**[**(A)**]** *(i)* the conservation and rehabilitation of natural resources on **[**military**]** *such* installations;

**[**(B)**]** *(ii)* the sustainable multipurpose use of the resources *on such installations*, which shall include hunting, fishing, trapping, and nonconsumptive uses; and

**[**(C)**]** *(iii)* subject to safety requirements and military security, public access to military installations to facilitate the use.

*(B) In the case of a State-owned National Guard installation, such program shall be carried out in coordination with the chief executive officer of the State in which the installation is located.*

* * * * * * *

(b) REQUIRED ELEMENTS OF PLANS.—Consistent with the use of military installations *and State-owned National Guard installations* to ensure the preparedness of the Armed Forces, each integrated natural resources management plan prepared under subsection (a)—

(1) shall, to the extent appropriate and applicable, provide for—

(A) * * *

* * * * * * *

(G) public access to the **[**military installation**]** *installation* that is necessary or appropriate for the use described in subparagraph (F), subject to requirements necessary to ensure safety and military security;

* * * * * * *

(I) no net loss in the capability of **[**military installation**]** *installation* lands to support the military mission of the installation; and

* * * * * * *

(3) may*, in the case of a military installation,* stipulate the issuance of special State hunting and fishing permits to individuals and require payment of nominal fees therefor, which fees shall be utilized for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities in accordance with the integrated natural resources management plan; except that—

(A) * * *

* * * * * * *

(c) *PROHIBITIONS ON SALE AND LEASE OF LANDS UNLESS EFFECTS COMPATIBLE WITH PLAN*.—After an integrated natural resources management plan is agreed to under subsection (a)—

(1) * * *

* * * * * * *

(d) *IMPLEMENTATION AND ENFORCEMENT OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS*.—With regard to the implementation and enforcement of integrated natural resources management plans agreed to under subsection (a)—

(1) * * *

* * * * * * *

(e) *APPLICABILITY OF OTHER LAWS*.—Integrated natural resources management plans agreed to under the authority of this section and section 102 shall not be deemed to be, nor treated as, cooperative agreements to which chapter 63 of title 31, United States Code*,* applies.

**[**SEC. 102.**]**

***SEC. 102. MIGRATORY GAME BIRDS; HUNTING PERMITS.***

*(a) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.*— The Secretary of Defense in cooperation with the Secretary of Interior and the appropriate State agency is authorized to carry out a program for the conservation, restoration and management of migratory game birds on military installations, including the issuance of special hunting permits and the collection of fees therefor, in accordance with an integrated natural resources management plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior and the appropriate State **[**agency: *Provided,* That possession**]** *agency*.

*(b) APPLICABILITY OF OTHER LAWS.—Possession* of a special permit for hunting migratory game birds issued pursuant to this title shall not relieve the permittee of the requirements of the Migratory Bird Hunting Stamp Act as amended nor of the requirements pertaining to State law set forth in Public Law 85–337.

* * * * * * *

**[**SEC. 103a.**]**

***SEC. 103A. COOPERATIVE AND INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON INSTALLATIONS.***

(a) *AUTHORITY OF SECRETARY OF MILITARY DEPARTMENT*.—The Secretary of a military department may enter into cooperative agreements with States, local governments, nongovernmental organizations, and individuals, and into interagency agreements with the heads of other Federal departments and agencies, to provide for the following:

(1) The maintenance and improvement of natural resources on, or to benefit natural and historic research on, [Department of Defense installations] *military installations and State-owned National Guard installations*.

(2) The maintenance and improvement of natural resources located off of a [Department of Defense installation] *military installation or State-owned National Guard installation* if the purpose of the cooperative agreement or interagency agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere with, whether directly or indirectly, current or anticipated military activities.

* * * * * * *

(c) *AVAILABILITY OF FUNDS; AGREEMENTS UNDER OTHER LAWS*.—Cooperative agreements and interagency agreements entered into under this section shall be subject to the availability of funds and shall not be considered, nor be treated as, cooperative agreements to which chapter 63 of title 31, United States Code, applies.

[SEC. 104.]

***SEC. 104. LIABILITY FOR FUNDS; ACCOUNTING TO COMPTROLLER GENERAL.***

The Department of Defense is held free from any liability to pay into the Treasury of the United States upon the operation of the program or programs authorized by this title any funds which may have been or may hereafter be collected, received or expended pursuant to, and for the purposes of, this title, and which collections, receipts and expenditures have been properly accounted for to the Comptroller General of the United States.

[SEC. 105.]

***SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL FOREST LANDS.***

Nothing herein contained shall be construed to modify, amend or repeal any provision of Public Law 85–337, nor as applying to national forest lands administered pursuant to the provisions of section 9 of the Act of June 7, 1924 (43 Stat. 655), nor section 15 of the Taylor Grazing Act.

* * * * * * *

[SEC. 108.]

***SEC. 108. APPROPRIATIONS AND EXPENDITURES.***

(a) *EXPENDITURES OF COLLECTED FUNDS UNDER INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS*.—The Secretary of Defense shall expend such funds as may be collected in accordance with the integrated natural resources management plans agreed to under sections 101 and 102 and cooperative agreements agreed to under section 103a of this title, and for no other purpose. All funds that are so collected shall remain available until expended.

(b) *AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF DEFENSE*.—Of the amounts authorized to be appropriated to the Department of Defense, there are authorized to be appropriated to the Secretary of Defense not to exceed $1,500,000 for each of the fiscal years 2009 through 2014, to carry out this title, including the enhancement of fish and wildlife habitat and the development of public recreation and other facilities, and to carry out such functions and responsibilities as the Secretary may have under cooperative

agreements entered into under section 103a. The Secretary of Defense shall, to the greatest extent practicable, enter into agreements to utilize the services, personnel, equipment, and facilities, with or without reimbursement, of the Secretary of the Interior in carrying out the provisions of this section.

(c) *AUTHORIZATION OF APPROPRIATIONS TO SECRETARY OF THE INTERIOR*.—Of the amounts authorized to be appropriated to the Department of the Interior, there are authorized to be appropriated to the Secretary of the Interior not to exceed $3,000,000 for each of the fiscal years 2009 through 2014, to carry out such functions and responsibilities as the Secretary may have under integrated natural resources management plans to which such Secretary is a party under this section, including those for the enhancement of fish and wildlife habitat and the development of public recreation and other facilities.

(d) *USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES*.—The Secretary of Defense and the Secretary of the Interior may each use any authority available to him under other laws relating to fish, wildlife, or plant conservation or rehabilitation for purposes of carrying out the provisions of this title.

## TITLE II—CONSERVATION PROGRAMS ON CERTAIN PUBLIC LAND

[SEC. 201.]

***SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND REHABILITATION PROGRAMS.***

(a) *PROGRAMS REQUIRED*.—The Secretary of the Interior and the Secretary of Agriculture shall each, in cooperation with the State agencies and in accordance with comprehensive plans developed pursuant to section 202 of this title, plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game. Such conservation and rehabilitation programs shall include, but not be limited to, specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered.

(b) *IMPLEMENTATION OF PROGRAMS*.—The Secretary of the Interior shall implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under his jurisdiction. The Secretary of the Interior shall adopt, modify, and implement the conservation and rehabilitation programs required under such subsection (a) on public land under the jurisdiction of the Chairman, but only with the prior written approval of the Atomic Energy Commission, and on public land under the jurisdiction of the Administrator, but only with the prior written approval of the Administrator. The Secretary of Agriculture shall implement such conservation and rehabilitation programs on public land under his jurisdiction.

[SEC. 202.]

***SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION AND REHABILITATION PROGRAMS.***

(a) *DEVELOPMENT OF PLANS*.—(1) The Secretary of the Interior shall develop, in consultation with the State agencies, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under his jurisdiction and the Sec-

retary of Agriculture shall do the same in connection with public land under his jurisdiction.

* * * * * * *

(b) *CONSISTENCY WITH OVERALL LAND USE AND MANAGEMENT PLANS; HUNTING, TRAPPING, AND FISHING.*—Each comprehensive plan developed pursuant to this section shall be consistent with any overall land use and management plans for the lands involved. In any case in which hunting, trapping, or fishing (or any combination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

(c) *COOPERATIVE AGREEMENTS BY STATE AGENCIES FOR IMPLEMENTATION OF PROGRAMS.*—(1) * * *

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(d) *STATE AGENCY AGREEMENTS NOT COOPERATIVE AGREEMENTS UNDER OTHER PROVISIONS.*—Agreements entered into by State agencies under the authority of this section shall not be deemed to be, or treated as, cooperative agreements to which the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) applies.

[SEC. 203.]

***SEC. 203. PUBLIC LAND MANAGEMENT AREA STAMPS FOR HUNTING, TRAPPING, AND FISHING ON PUBLIC LANDS SUBJECT TO PROGRAMS.***

(a) *AGREEMENTS TO REQUIRE STAMPS.*—Any State agency may agree with the Secretary of the Interior and the Secretary of Agriculture (or with the Secretary of the Interior or the Secretary of Agriculture, as the case may be, if within the State concerned all conservation and rehabilitation programs under this title will be implemented by him) that no individual will be permitted to hunt, trap, or fish on any public land within the State which is subject to a conservation and rehabilitation program implemented under this title unless at the time such individual is engaged in such activity he has on his person a valid public land management area stamp issued pursuant to this section.

(b) *CONDITIONS FOR AGREEMENTS.*—Any agreement made pursuant to subsection (a) of this section to require the issuance of public land management area stamps shall be subject to the following conditions:

(1) * * *

* * * * * * *

(3) Except for expenses incurred in the printing, issuing, or selling of such stamps, the fees collected for such stamps by the State agency shall be utilized in carrying out conservation and rehabilitation programs implemented under this title in the State concerned. Such fees may be used by the State agency to acquire lands or interests therein from willing sellers or donors to provide public access to program lands that have no existing public access for enhancement of outdoor recreation and wildlife conservation: *Provided,* That the Secretary of Agriculture and the Secretary of the Interior maintain such access,

or ensure that maintenance is provided for such access, through or to lands within their respective jurisdiction.

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[SEC. 204.]

***SEC. 204. ENFORCEMENT PROVISIONS.***

(a) *VIOLATIONS AND PENALTIES*.—(1) * * *

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(b) *ENFORCEMENT POWERS AND PROCEEDINGS*.—(1) * * *

(2) Upon the sworn information by a competent person, any United States [magistrate] *magistrate judge* or court of competent jurisdiction may issue process for the arrest of any person charged with committing any offense under subsection (a) of this section.

(3) Any person charged with committing any offense under subsection (a) of this section may be tried and sentenced by any United States [magistrate] *magistrate judge* designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18, United States Code.

(c) *SEIZURE AND FORFEITURE*.—All guns, traps, nets, and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in committing an offense under subsection (a) of this section shall be subject to forfeiture to the United States and may be seized and held pending the prosecution of any person arrested for committing such offense. Upon conviction for such offense, such forfeiture may be adjudicated as a penalty in addition to any other provided for committing such offense.

(d) *APPLICABILITY OF CUSTOMS LAWS*.—All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, or by such persons as he may designate.

[SEC. 205.]

***SEC. 205. DEFINITIONS.***

As used in this title—

(1) * * *

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[SEC. 206.]

***SEC. 206. STAMP REQUIREMENTS NOT APPLICABLE TO FOREST SERVICE AND BUREAU OF LAND MANAGEMENT LANDS; AUTHORIZED FEES.***

Notwithstanding any other provision in this title, section 203 of this title shall not apply to land which is, or hereafter may be, within or designated as Forest Service land or as Bureau of Land Management land of any State in which all Federal lands therein

comprise 60 percent or more of the total area of such State; except that in any such State, any appropriate State agency may agree with the Secretary of Agriculture or the Secretary of the Interior, or both, as the case may be, to collect a fee as specified in such agreement at the point of sale of regular licenses to hunt, trap, or fish in such State, the proceeds of which shall be utilized in carrying out conservation and rehabilitation programs implemented under this title in the State concerned and for no other purpose.

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[SEC. 207.]

***SEC. 207. INDIAN RIGHTS; STATE OR FEDERAL JURISDICTION REGULATING INDIAN RIGHTS.***

Nothing in this title shall enlarge or diminish or in any way affect (1) the rights of Indians or Indian tribes to the use of water or natural resources or their rights to fish, trap, or hunt wildlife as secured by statute, agreement, treaty, Executive order, or court decree; or (2) existing State or Federal jurisdiction to regulate those rights either on or off reservations.

* * * * * * *

[SEC. 208. Nothing in this Act shall in any way affect the jurisdiction, authority, duties, or activities of the Joint Federal-State Land Use Planning Commission established pursuant to section 17 of the Alaska Native Claims Settlement Act (85 Stat. 688). During the development of any cooperative plan for Alaska which may be agreed to under title I after the effective date of this section and of any comprehensive program for Alaska under title II, such Commission shall be given an opportunity to submit its comments on such plan or program.]

[SEC. 209.]

***SEC. 208. AUTHORIZATION OF APPROPRIATIONS.***

(a) *FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF THE INTERIOR.*—There are authorized to be appropriated $4,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of the Interior to carry out his functions and responsibilities under this title, including data collection, research, planning, and conservation and rehabilitation programs on public lands. Such funds shall be in addition to those authorized for wildlife, range, soil, and water management pursuant to section 318 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1748), or other provisions of law.

(b) *FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF AGRICULTURE.*—There are authorized to be appropriated $5,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of Agriculture to carry out his functions and responsibilities under this title. Such funds shall be in addition to those provided under other provisions of law. In requesting funds under this subsection the Secretary shall take into account fish and wildlife program needs, including those for projects, identified in the State comprehensive plans as contained in the program developed pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1601–1610).

(c) *USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES.*—The Secretary of the Interior and the Secretary of Agri-

culture may each use any authority available to him under other laws relating to fish, wildlife, or plant conservation or rehabilitation for purposes of carrying out the provisions of this title.

(d) *CONTRACT AUTHORITY*.—The Secretary of the Interior and the Secretary of Agriculture may each make purchases and contracts for property and services from, or provide assistance to, the State agencies concerned, if such property, services or assistance is required to implement those projects and programs carried out on, or of benefit to, Federal lands and identified in the comprehensive plans or cooperative agreements developed under section 202, without regard to title III (other than section 304) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251–260). Contract authority provided in this section is effective only to such extent or in such amounts as are provided in appropriation Acts.

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