

105TH CONGRESS  
1ST SESSION

# S. 1363

To amend the Sikes Act to enhance fish and wildlife conservation and natural resources management programs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 4, 1997

Mr. CHAFEE introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Sikes Act to enhance fish and wildlife conservation and natural resources management programs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Sikes Act Improvement  
5       Act of 1997”.

6       **SEC. 2. DEFINITION OF SIKES ACT FOR PURPOSES OF**  
7       **AMENDMENTS.**

8       In this Act, the term “Sikes Act” means the Act enti-  
9       tled “An Act to promote effectual planning, development,  
10      maintenance, and coordination of wildlife, fish, and game

1 conservation and rehabilitation in military reservations”,  
 2 approved September 15, 1960 (16 U.S.C. 670a et seq.),  
 3 commonly referred to as the “Sikes Act”.

4 **SEC. 3. CODIFICATION OF SHORT TITLE OF ACT.**

5 The Sikes Act (16 U.S.C. 670a et seq.) is amended  
 6 by inserting before title I the following new section:

7 **“SECTION 1. SHORT TITLE.**

8 “This Act may be cited as the ‘Sikes Act’.”.

9 **SEC. 4. PREPARATION OF INTEGRATED NATURAL RE-**  
 10 **SOURCES MANAGEMENT PLANS.**

11 (a) IN GENERAL.—Section 101 of the Sikes Act (16  
 12 U.S.C. 670a(a)) is amended by striking out subsection (a)  
 13 and inserting in lieu thereof the following new subsection:

14 “(a) AUTHORITY OF SECRETARY OF DEFENSE.—

15 “(1) PROGRAM.—

16 “(A) IN GENERAL.—The Secretary of De-  
 17 fense shall carry out a program to provide for  
 18 the conservation and rehabilitation of natural  
 19 resources on military installations.

20 “(B) INTEGRATED NATURAL RESOURCES  
 21 MANAGEMENT PLAN.—To facilitate the pro-  
 22 gram, the Secretary of each military depart-  
 23 ment shall prepare and implement an inte-  
 24 grated natural resources management plan for  
 25 each military installation in the United States

1 under the jurisdiction of the Secretary, unless  
2 the Secretary determines that the absence of  
3 significant natural resources on a particular in-  
4 stallation makes preparation of such a plan in-  
5 appropriate.

6 “(2) COOPERATIVE PREPARATION.—The Sec-  
7 retary of a military department shall prepare each  
8 integrated natural resources management plan for  
9 which the Secretary is responsible in cooperation  
10 with the Secretary of the Interior, acting through  
11 the Director of the United States Fish and Wildlife  
12 Service, and the head of each appropriate State fish  
13 and wildlife agency for the State in which the mili-  
14 tary installation concerned is located. Consistent  
15 with paragraph (4), the resulting plan for the mili-  
16 tary installation shall reflect the mutual agreement  
17 of the parties concerning conservation, protection,  
18 and management of fish and wildlife resources.

19 “(3) PURPOSES OF PROGRAM.—Consistent with  
20 the use of military installations to ensure the pre-  
21 paredness of the Armed Forces, the Secretaries of  
22 the military departments shall carry out the pro-  
23 gram required by this subsection to provide for—

24 “(A) the conservation and rehabilitation of  
25 natural resources on military installations;

1 “(B) the sustainable multipurpose use of  
 2 the resources, which shall include hunting, fish-  
 3 ing, trapping, and nonconsumptive uses; and

4 “(C) subject to safety requirements and  
 5 military security, public access to military in-  
 6 stallations to facilitate the use.

7 “(4) EFFECT ON OTHER LAW.—Nothing in this  
 8 title—

9 “(A)(i) affects any provision of a Federal  
 10 law governing the conservation or protection of  
 11 fish and wildlife resources; or

12 “(ii) enlarges or diminishes the responsibil-  
 13 ity and authority of any State for the protection  
 14 and management of fish and resident wildlife;  
 15 or

16 “(B) except as specifically provided in the  
 17 other provisions of this section and in section  
 18 102, authorizes the Secretary of a military de-  
 19 partment to require a Federal license or permit  
 20 to hunt, fish, or trap on a military installa-  
 21 tion.”.

22 (b) CONFORMING AMENDMENTS.—Title I of the  
 23 Sikes Act is amended—

24 (1) in section 101(b)(4) (16 U.S.C.  
 25 670a(b)(4)), by striking out “cooperative plan” each

1 place it appears and inserting in lieu thereof “inte-  
2 grated natural resources management plan”;

3 (2) in section 101(c) (16 U.S.C. 670a(c)), in  
4 the matter preceding paragraph (1), by striking out  
5 “a cooperative plan” and inserting in lieu thereof  
6 “an integrated natural resources management plan”;

7 (3) in section 101(d) (16 U.S.C. 670a(d)), in  
8 the matter preceding paragraph (1), by striking out  
9 “cooperative plans” and inserting in lieu thereof “in-  
10 tegrated natural resources management plans”;

11 (4) in section 101(e) (16 U.S.C. 670a(e)), by  
12 striking out “Cooperative plans” and inserting in  
13 lieu thereof “Integrated natural resources manage-  
14 ment plans”;

15 (5) in section 102 (16 U.S.C. 670b), by striking  
16 out “a cooperative plan” and inserting in lieu there-  
17 of “an integrated natural resources management  
18 plan”;

19 (6) in section 103 (16 U.S.C. 670c), by striking  
20 out “a cooperative plan” and inserting in lieu there-  
21 of “an integrated natural resources management  
22 plan”;

23 (7) in section 106(a) (16 U.S.C. 670f(a)), by  
24 striking out “cooperative plans” and inserting in lieu

1       thereof “integrated natural resources management  
2       plans”; and

3           (8) in section 106(c) (16 U.S.C. 670f(c)), by  
4       striking out “cooperative plans” and inserting in lieu  
5       thereof “integrated natural resources management  
6       plans”.

7       (c) REQUIRED ELEMENTS OF PLANS.—Section  
8       101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—  
9           (1) by striking out “(b) Each cooperative” and  
10       all that follows through the end of paragraph (1)  
11       and inserting in lieu thereof the following:

12       “(b) REQUIRED ELEMENTS OF PLANS.—Consistent  
13       with the use of military installations to ensure the pre-  
14       paredness of the Armed Forces, each integrated natural  
15       resources management plan prepared under subsection  
16       (a)—

17           “(1) shall, to the extent appropriate and appli-  
18       cable, provide for—

19               “(A) fish and wildlife management, land  
20               management, forest management, and fish- and  
21               wildlife-oriented recreation;

22               “(B) fish and wildlife habitat enhancement  
23               or modifications;

1           “(C) wetland protection, enhancement, and  
2 restoration, where necessary for support of fish,  
3 wildlife, or plants;

4           “(D) integration of, and consistency  
5 among, the various activities conducted under  
6 the plan;

7           “(E) establishment of specific natural re-  
8 source management goals and objectives and  
9 time frames for proposed action;

10           “(F) sustainable use by the public of natu-  
11 ral resources to the extent that the use is not  
12 inconsistent with the needs of fish and wildlife  
13 resources;

14           “(G) public access to the military installa-  
15 tion that is necessary or appropriate for the use  
16 described in subparagraph (F), subject to re-  
17 quirements necessary to ensure safety and mili-  
18 tary security;

19           “(H) enforcement of applicable natural re-  
20 source laws (including regulations);

21           “(I) no net loss in the capability of mili-  
22 tary installation lands to support the military  
23 mission of the installation; and

1 “(J) such other activities as the Secretary  
 2 of the military department determines appro-  
 3 priate;”;

4 (2) in paragraph (2), by adding “and” at the  
 5 end;

6 (3) by striking out paragraph (3);

7 (4) by redesignating paragraph (4) as para-  
 8 graph (3); and

9 (5) in paragraph (3)(A) (as so redesignated), by  
 10 striking out “collect the fees therefor,” and inserting  
 11 in lieu thereof “collect, spend, administer, and ac-  
 12 count for fees for the permits,”.

13 **SEC. 5. REVIEW FOR PREPARATION OF INTEGRATED NATU-**  
 14 **RAL RESOURCES MANAGEMENT PLANS.**

15 (a) DEFINITIONS.—In this section, the terms “mili-  
 16 tary installation” and “United States” have the meanings  
 17 provided in section 100 of the Sikes Act (as added by sec-  
 18 tion 11).

19 (b) REVIEW OF MILITARY INSTALLATIONS.—

20 (1) REVIEW.—Not later than 270 days after  
 21 the date of enactment of this Act, the Secretary of  
 22 each military department shall—

23 (A) review each military installation in the  
 24 United States that is under the jurisdiction of  
 25 that Secretary to determine the military instal-



1           lations for which the preparation of an inte-  
2           grated natural resources management plan  
3           under section 101 of the Sikes Act (as amended  
4           by this Act) is appropriate; and

5                   (B) submit to the Secretary of Defense a  
6           report on the determinations.

7           (2) REPORT TO CONGRESS.—Not later than one  
8           year after the date of enactment of this Act, the  
9           Secretary of Defense shall submit to Congress a re-  
10          port on the reviews conducted under paragraph (1).

11         The report shall include—

12                   (A) a list of the military installations re-  
13           viewed under paragraph (1) for which the Sec-  
14           retary of the appropriate military department  
15           determines that the preparation of an inte-  
16           grated natural resources management plan is  
17           not appropriate; and

18                   (B) for each of the military installations  
19           listed under subparagraph (A), an explanation  
20           of each reason such a plan is not appropriate.

21         (c) DEADLINE FOR INTEGRATED NATURAL RE-  
22         SOURCES MANAGEMENT PLANS.—Not later than three  
23         years after the date of the submission of the report re-  
24         quired under subsection (b)(2), the Secretary of each mili-  
25         tary department shall, for each military installation with

1 respect to which the Secretary has not determined under  
2 subsection (b)(2)(A) that preparation of an integrated  
3 natural resources management plan is not appropriate—

4           (1) prepare and begin implementing such a plan  
5           in accordance with section 101(a) of the Sikes Act  
6           (as amended by this Act); or

7           (2) in the case of a military installation for  
8           which there is in effect a cooperative plan under sec-  
9           tion 101(a) of the Sikes Act on the day before the  
10          date of enactment of this Act, complete negotiations  
11          with the Secretary of the Interior and the heads of  
12          the appropriate State agencies regarding changes to  
13          the plan that are necessary for the plan to constitute  
14          an integrated natural resources management plan  
15          that complies with that section, as amended by this  
16          Act.

17          (d) PUBLIC COMMENT.—The Secretary of each mili-  
18          tary department shall provide an opportunity for the sub-  
19          mission of public comments on—

20               (1) integrated natural resources management  
21               plans proposed under subsection (c)(1); and

22               (2) changes to cooperative plans proposed under  
23               subsection (c)(2).

1 **SEC. 6. TRANSFER OF WILDLIFE CONSERVATION FEES**  
2 **FROM CLOSED MILITARY INSTALLATIONS.**

3 Section 101(b)(3)(B) of the Sikes Act (16 U.S.C.  
4 670a(b)) (as redesignated by section 4(c)(4)) is amended  
5 by inserting before the period at the end the following:  
6 “, unless the military installation is subsequently closed,  
7 in which case the fees may be transferred to another mili-  
8 tary installation to be used for the same purposes”.

9 **SEC. 7. ANNUAL REVIEWS AND REPORTS.**

10 Section 101 of the Sikes Act (16 U.S.C. 670a) is  
11 amended by adding at the end the following new sub-  
12 section:

13 “(f) REVIEWS AND REPORTS.—

14 “(1) SECRETARY OF DEFENSE.—Not later than  
15 March 1 of each year, the Secretary of Defense shall  
16 review the extent to which integrated natural re-  
17 sources management plans were prepared or were in  
18 effect and implemented in accordance with this title  
19 in the preceding year, and submit a report on the  
20 findings of the review to the committees. Each re-  
21 port shall include—

22 “(A) the number of integrated natural re-  
23 sources management plans in effect in the year  
24 covered by the report, including the date on  
25 which each plan was issued in final form or  
26 most recently revised;

1           “(B) the amounts expended on conserva-  
 2           tion activities conducted pursuant to the plans  
 3           in the year covered by the report; and

4           “(C) an assessment of the extent to which  
 5           the plans comply with this title.

6           “(2) SECRETARY OF THE INTERIOR.—Not later  
 7           than March 1 of each year and in consultation with  
 8           the heads of State fish and wildlife agencies, the  
 9           Secretary of the Interior shall submit a report to the  
 10          committees on the amounts expended by the Depart-  
 11          ment of the Interior and the State fish and wildlife  
 12          agencies in the year covered by the report on con-  
 13          servation activities conducted pursuant to integrated  
 14          natural resources management plans.

15          “(3) DEFINITION OF COMMITTEES.—In this  
 16          subsection, the term ‘committees’ means—

17               “(A) the Committee on Resources and the  
 18               Committee on National Security of the House  
 19               of Representatives; and

20               “(B) the Committee on Armed Services  
 21               and the Committee on Environment and Public  
 22               Works of the Senate.”.

23 **SEC. 8. COOPERATIVE AGREEMENTS.**

24          Section 103a of the Sikes Act (16 U.S.C. 670c–1)  
 25          is amended—

1 (1) in subsection (a), by striking out “Secretary  
 2 of Defense” and inserting in lieu thereof “Secretary  
 3 of a military department”;

4 (2) by striking out subsection (b) and inserting  
 5 in lieu thereof the following new subsection:

6 “(b) MULTIYEAR AGREEMENTS.—Funds appro-  
 7 priated to the Department of Defense for a fiscal year may  
 8 be obligated to cover the cost of goods and services pro-  
 9 vided under a cooperative agreement entered into under  
 10 subsection (a) or through an agency agreement under sec-  
 11 tion 1535 of title 31, United States Code, during any 18-  
 12 month period beginning in that fiscal year, without regard  
 13 to whether the agreement crosses fiscal years.”.

14 **SEC. 9. FEDERAL ENFORCEMENT.**

15 Title I of the Sikes Act is amended—

16 (1) by redesignating section 106 (16 U.S.C.  
 17 670f) as section 108; and

18 (2) by inserting after section 105 (16 U.S.C.  
 19 670e) the following new section:

20 **“SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.**

21 “All Federal laws relating to the management of nat-  
 22 ural resources on Federal land may be enforced by the  
 23 Secretary of Defense with respect to violations of the laws  
 24 that occur on military installations within the United  
 25 States.”.

1 **SEC. 10. NATURAL RESOURCES MANAGEMENT SERVICES.**

2 Title I of the Sikes Act is amended by inserting after  
3 section 106 (as added by section 9) the following new sec-  
4 tion:

5 **“SEC. 107. NATURAL RESOURCES MANAGEMENT SERVICES.**

6 “To the extent practicable using available resources,  
7 the Secretary of each military department shall ensure  
8 that sufficient numbers of professionally trained natural  
9 resources management personnel and natural resources  
10 law enforcement personnel are available and assigned re-  
11 sponsibility to perform tasks necessary to carry out this  
12 title, including the preparation and implementation of in-  
13 tegrated natural resources management plans.”.

14 **SEC. 11. DEFINITIONS.**

15 Title I of the Sikes Act is amended by inserting be-  
16 fore section 101 (16 U.S.C. 670a) the following new sec-  
17 tion:

18 **“SEC. 100. DEFINITIONS.**

19 “In this title:

20 “(1) **MILITARY INSTALLATION.**—The term  
21 ‘military installation’—

22 “(A) means any land or interest in land  
23 owned by the United States and administered  
24 by the Secretary of Defense or the Secretary of  
25 a military department, except land under the

1 jurisdiction of the Assistant Secretary of the  
2 Army having responsibility for civil works;

3 “(B) includes all public lands withdrawn  
4 from all forms of appropriation under public  
5 land laws and reserved for use by the Secretary  
6 of Defense or the Secretary of a military de-  
7 partment; and

8 “(C) does not include any land described  
9 in subparagraph (A) or (B) that is subject to  
10 an approved recommendation for closure under  
11 the Defense Base Closure and Realignment Act  
12 of 1990 (part A of title XXIX of Public Law  
13 101–510; 10 U.S.C. 2687 note).

14 “(2) STATE FISH AND WILDLIFE AGENCY.—The  
15 term ‘State fish and wildlife agency’ means the one  
16 or more agencies of State government that are re-  
17 sponsible under State law for managing fish or wild-  
18 life resources.

19 “(3) UNITED STATES.—The term ‘United  
20 States’ means the States, the District of Columbia,  
21 and the territories and possessions of the United  
22 States.”.

23 **SEC. 12. REPEAL OF SUPERSEDED PROVISION.**

24 Section 2 of the Act of October 27, 1986 (Public Law  
25 99–561; 16 U.S.C. 670a–1), is repealed.

1 **SEC. 13. TECHNICAL AMENDMENTS.**

2 Title I of the Sikes Act, as amended by this Act, is  
3 amended—

4 (1) in the heading for the title, by striking out  
5 “MILITARY RESERVATIONS” and inserting in  
6 lieu thereof “MILITARY INSTALLATIONS”;

7 (2) in section 101(b)(3) (16 U.S.C.  
8 670a(b)(3)), as redesignated by section 4(c)(4)—

9 (A) in subparagraph (A), by striking out  
10 “the reservation” and inserting in lieu thereof  
11 “the installation”; and

12 (B) in subparagraph (B), by striking out  
13 “the military reservation” and inserting in lieu  
14 thereof “the military installation”;

15 (3) in section 101(c) (16 U.S.C. 670a(c))—

16 (A) in paragraph (1), by striking out “a  
17 military reservation” and inserting in lieu  
18 thereof “a military installation”; and

19 (B) in paragraph (2), by striking out “the  
20 reservation” and inserting in lieu thereof “the  
21 installation”;

22 (4) in section 101(e) (16 U.S.C. 670a(e)), by  
23 striking “the Federal Grant and Cooperative Agree-  
24 ment Act of 1977 (41 U.S.C. 501 et seq.)” and in-  
25 serting “chapter 63 of title 31, United States Code”;



1 (5) in section 102 (16 U.S.C. 670b), by striking  
 2 out “military reservations” and inserting in lieu  
 3 thereof “military installations”; and

4 (6) in section 103 (16 U.S.C. 670c)—

5 (A) by striking out “military reservations”  
 6 and inserting in lieu thereof “military installa-  
 7 tions”; and

8 (B) by striking out “such reservations”  
 9 and inserting in lieu thereof “the installations”.

10 **SEC. 14. AUTHORIZATIONS OF APPROPRIATIONS.**

11 (a) CONSERVATION PROGRAMS ON MILITARY IN-  
 12 STALLATIONS.—Subsections (b) and (c) of section 108 of  
 13 the Sikes Act (as redesignated by section 9(1)) are each  
 14 amended by striking out “1983” and all that follows  
 15 through “1993,” and inserting in lieu thereof “1998  
 16 through 2003,”.

17 (b) CONSERVATION PROGRAMS ON PUBLIC LANDS.—  
 18 Section 209 of the Sikes Act (16 U.S.C. 670o) is amend-  
 19 ed—

20 (1) in subsection (a), by striking out “the sum  
 21 of \$10,000,000” and all that follows through “to en-  
 22 able the Secretary of the Interior” and inserting in  
 23 lieu thereof “\$4,000,000 for each of fiscal years  
 24 1998 through 2003, to enable the Secretary of the  
 25 Interior”; and

1           (2) in subsection (b), by striking out “the sum  
2       of \$12,000,000” and all that follows through “to en-  
3       able the Secretary of Agriculture” and inserting in  
4       lieu thereof “\$5,000,000 for each of fiscal years  
5       1998 through 2003, to enable the Secretary of Agri-  
6       culture”.

○