

111TH CONGRESS
2D SESSION

H. R. 5284

To amend the Sikes Act to improve natural resources management planning for State-owned facilities used for the national defense, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2010

Ms. BORDALLO introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Sikes Act to improve natural resources management planning for State-owned facilities used for the national defense, 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 Amendments
5 Act of 2010”.

1 **SEC. 2. IMPROVED SIKES ACT COVERAGE OF STATE-OWNED**
2 **FACILITIES USED FOR THE NATIONAL DE-**
3 **FENSE.**

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

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

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

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

12 “(2) STATE.—The term ‘State’ means any of
13 the several States, the District of Columbia, the
14 Commonwealth of Puerto Rico, Guam, and the Vir-
15 gin Islands.

16 “(3) STATE-OWNED NATIONAL GUARD INSTAL-
17 LATION.—The term ‘State-owned National Guard
18 installation’ means land owned and operated by a
19 State when such land is used for training the Na-
20 tional Guard pursuant to chapter 5 of title 32,
21 United State Code, with funds provided by the Sec-
22 retary of Defense or the Secretary of a military de-
23 partment, even though such land is not under the
24 jurisdiction of the Department of Defense.”.

1 (2) FUNDING OF INTEGRATED NATURAL RE-
2 SOURCES MANAGEMENT PLANS.—Section 101 (16
3 U.S.C. 670a) is amended—

4 (A) in subsection (a)(1)(B)—

5 (i) by inserting “(i)” before “To facili-
6 tate”; and

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

9 “(ii) The Secretary of a military depart-
10 ment may, subject to the availability of appro-
11 priations, develop and implement an integrated
12 natural resources management plan for a State-
13 owned National Guard installation. Such a plan
14 shall be developed and implemented in coordina-
15 tion with the chief executive officer of the State
16 in which the State-owned National Guard in-
17 stallation is located.”;

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

21 (C) in subsection (a)(3)—

22 (i) by striking “and” at the end of
23 subparagraph (B);

1 (ii) by striking the period at the end
2 of subparagraph (C) and inserting “; and”;
3 and

4 (iii) by adding at the end the fol-
5 lowing new subparagraph:

6 “(D) the conservation and rehabilitation of
7 natural resources on State-owned National
8 Guard installations and sustainable multipur-
9 pose use of the natural resources on those in-
10 stallations.”;

11 (D) by redesignating subsections (c)
12 through (g) as subsections (d) through (h), re-
13 spectively; and

14 (E) by inserting after subsection (b) the
15 following new subsection (c):

16 “(c) REQUIRED ELEMENTS OF PLANS FOR STATE-
17 OWNED NATIONAL GUARD INSTALLATIONS.—Each inte-
18 grated natural resources management plan for a State-
19 owned National Guard installation that is prepared under
20 subsection (a)(1)(B)(ii)—

21 “(1) shall, to the extent appropriate and appli-
22 cable, provide for the same matters for the installa-
23 tion as are required under subsection (c)(1) for a
24 military installation; and

1 “(2) must be reviewed as to operation and ef-
2 fect by the parties thereto on a regular basis, but
3 not less often than every 5 years.”.

4 (3) COOPERATIVE AGREEMENTS.—Section
5 103a(a) (16 U.S.C. 670c–1(a)) is amended—

6 (A) in paragraph (1), by inserting “and
7 State-owned National Guard installations” after
8 “military installations”; and

9 (B) in paragraph (2), by inserting “or
10 State-owned National Guard installations” after
11 “military installation”.

12 (b) EXPANSION AND EXTENSION OF INVASIVE SPE-
13 CIES MANAGEMENT PILOT PROGRAM.—Subsection (g) of
14 section 101 of such Act (16 U.S.C. 670a) is amended—

15 (1) in the subsection heading—

16 (A) by striking “PILOT PROGRAM”; and

17 (B) by striking “IN GUAM”; and

18 (2) in paragraph (1)—

19 (A) by striking “During fiscal years 2009
20 through 2014, the” and inserting “The”; and

21 (B) by striking “in Guam”.

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

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

1 (A) by inserting at the beginning the fol-
2 lowing:

3 **“SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND**
4 **REHABILITATION.”;**

5 (B) by striking “SEC. 101.”;

6 (C) in subsection (d), as redesignated by
7 subsection (a)(2)(D) of this section, by insert-
8 ing “PROHIBITIONS ON SALE AND LEASE OF
9 LANDS UNLESS EFFECTS COMPATIBLE WITH
10 PLAN.—” after “(d)”;

11 (D) in subsection (e), as redesignated by
12 subsection (a)(2)(D) of this section, by insert-
13 ing “IMPLEMENTATION AND ENFORCEMENT OF
14 INTEGRATED NATURAL RESOURCES MANAGE-
15 MENT PLANS.—” after “(e)”; and

16 (E) in subsection (f), as redesignated by
17 subsection (a)(2)(D) of this section—

18 (i) by inserting “APPLICABILITY OF
19 OTHER LAWS.—” after “(f)”; and

20 (ii) by inserting a comma after
21 “Code”.

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

23 (A) by inserting at the beginning the fol-
24 lowing:

1 **“SEC. 102. MIGRATORY GAME BIRDS; HUNTING PERMITS.”;**

2 (B) by striking “SEC. 102.” and inserting

3 “(a) INTEGRATED NATURAL RESOURCES MAN-
4 AGEMENT PLAN.—”; and

5 (C) by striking “agency:” and all that fol-
6 lows through “possession” and inserting “agen-
7 cy.

8 “(b) APPLICABILITY OF OTHER LAWS.—Possession”.

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

11 (A) by inserting at the beginning the fol-
12 lowing:

13 **“SEC. 103A. COOPERATIVE AND INTERAGENCY AGREE-**
14 **MENTS FOR LAND MANAGEMENT ON INSTAL-**
15 **LATIONS.”;**

16 (B) by striking “SEC. 103a.”;

17 (C) in subsection (a), by inserting “AU-
18 THORITY OF SECRETARY OF MILITARY DE-
19 PARTMENT.—” after “(a)”; and

20 (D) in subsection (c), by inserting “AVAIL-
21 ABILITY OF FUNDS; AGREEMENTS UNDER
22 OTHER LAWS.—” after “(c)”.

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

24 (A) by inserting at the beginning the fol-
25 lowing:

1 **“SEC. 104. LIABILITY FOR FUNDS; ACCOUNTING TO COMP-**
 2 **TROLLER GENERAL.”;**

3 and

4 (B) by striking “SEC. 104.”.

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

6 (A) by inserting at the beginning the fol-
 7 lowing:

8 **“SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL**
 9 **FOREST LANDS.”;**

10 and

11 (B) by striking “SEC. 105.”.

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

13 (A) by inserting at the beginning the fol-
 14 lowing:

15 **“SEC. 108. APPROPRIATIONS AND EXPENDITURES.”;**

16 (B) by striking “SEC. 108.”;

17 (C) in subsection (a), by inserting “EX-
 18 PENDITURES OF COLLECTED FUNDS UNDER
 19 INTEGRATED NATURAL RESOURCES MANAGE-
 20 MENT PLANS.—” after “(a)”;

21 (D) in subsection (b), by inserting “AU-
 22 THORIZATION OF APPROPRIATIONS TO SEC-
 23 RETARY OF DEFENSE.—” after “(b)”;

24 (E) in subsection (c), by inserting “AU-
 25 THORIZATION OF APPROPRIATIONS TO SEC-
 26 RETARY OF THE INTERIOR.—” after “(c)”;

1 (F) in subsection (d), by inserting “USE
 2 OF OTHER CONSERVATION OR REHABILITA-
 3 TION AUTHORITIES.—” after “(d)”.

4 (7) Section 201 (16 U.S.C. 670g) is amended—
 5 (A) by inserting at the beginning the fol-
 6 lowing:

7 **“SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND**
 8 **REHABILITATION PROGRAMS.”;**

9 (B) by striking “SEC. 201.”;

10 (C) in subsection (a), by inserting “PRO-
 11 GRAMS REQUIRED.—” after “(a)”; and

12 (D) in subsection (b), by inserting “IMPLE-
 13 MENTATION OF PROGRAMS.—” after “(b)”.

14 (8) Section 202 (16 U.S.C. 670h) is amended—
 15 (A) by inserting at the beginning the fol-
 16 lowing:

17 **“SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION**
 18 **AND REHABILITATION PROGRAMS.”;**

19 (B) by striking “SEC. 202.”;

20 (C) in subsection (a), by inserting “DE-
 21 VELOPMENT OF PLANS.—” after “(a)”; and

22 (D) in subsection (b), by inserting “CON-
 23 SISTENCY WITH OVERALL LAND USE AND
 24 MANAGEMENT PLANS; HUNTING, TRAPPING,
 25 AND FISHING.—” after “(b)”; and

(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).

1 (10) Section 204 (16 U.S.C. 670j) is amend-
2 ed—

3 (A) by inserting at the beginning the fol-
4 lowing:

5 **“SEC. 204. ENFORCEMENT PROVISIONS.”;**

6 (B) by striking “SEC. 204.”;

7 (C) in subsection (a), by inserting “VIOLA-
8 TIONS AND PENALTIES.—” after “(a)”;

9 (D) in subsection (b), by inserting “EN-
10 FORCEMENT POWERS AND PROCEEDINGS.—”
11 after “(b)”;

12 (E) in subsection (c), by inserting “SEI-
13 ZURE AND FORFEITURE.—” after “(c)”; and

14 (F) in subsection (d), by inserting “APPLI-
15 CABILITY OF CUSTOMS LAWS.—” after “(d)”.

16 (11) Section 205 (16 U.S.C. 670k) is amend-
17 ed—

18 (A) by inserting at the beginning the fol-
19 lowing:

20 **“SEC. 205. DEFINITIONS.”;**

21 and

22 (B) by striking “SEC. 205.”.

23 (12) Section 206 (16 U.S.C. 670l) is amend-
24 ed—

1 (A) by inserting at the beginning the fol-
2 lowing:

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

6 and

7 (B) by striking “SEC. 206.”.

8 (13) Section 207 (16 U.S.C. 670m) is amend-
9 ed—

10 (A) by inserting at the beginning the fol-
11 lowing:

12 **“SEC. 207. INDIAN RIGHTS; STATE OR FEDERAL JURISDIC-**
13 **TION REGULATING INDIAN RIGHTS.”;**

14 and

15 (B) by striking “SEC. 207.”.

16 (14) Section 209 (16 U.S.C. 670o) is amend-
17 ed—

18 (A) by inserting at the beginning the fol-
19 lowing:

20 **“SEC. 209. AUTHORIZATION OF APPROPRIATIONS.”;**

21 (B) by striking “SEC. 209.”;

22 (C) in subsection (a), by inserting “FUNC-
23 TIONS AND RESPONSIBILITIES OF SECRETARY
24 OF THE INTERIOR.—” after “(a)”;

1 (D) in subsection (b), by inserting “FUNC-
2 TIONS AND RESPONSIBILITIES OF SECRETARY
3 OF AGRICULTURE.—” after “(b)”;

4 (E) in subsection (c), by inserting “USE
5 OF OTHER CONSERVATION OR REHABILITA-
6 TION AUTHORITIES.—” after “(c)”; and

7 (F) in subsection (d), by inserting “CON-
8 TRACT AUTHORITY.—” after “(d)”.

9 (d) CODIFICATION OF CHANGE OF NAME.—Section
10 204(b) of such Act (16 U.S.C. 670j) is amended by strik-
11 ing “magistrate” both places it appears and inserting
12 “magistrate judge”.

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

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