

# Union Calendar No. 115

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1670

**[Report No. 112–175, Part I]**

To amend the Sikes Act to improve the application of that Act to State-owned facilities used for the national defense.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2011

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

JULY 21, 2011

Reported from the Committee on Natural Resources with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

JULY 21, 2011

The Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 2, 2011]

# **A BILL**

To amend the Sikes Act to improve the application of that Act to State-owned facilities used for the national defense.

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 2011”.*

6 **SEC. 2. IMPROVED SIKES ACT COVERAGE OF STATE-OWNED**  
7 **FACILITIES USED FOR THE NATIONAL DE-**  
8 **FENSE.**

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

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

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

15                    (B) *by inserting after paragraph (1) the fol-*  
16 *lowing new paragraphs:*

17                    “(2) *STATE.*—*The term ‘State’ means any of the*  
18 *several States, the District of Columbia, the Common-*  
19 *wealth of Puerto Rico, Guam, the Commonwealth of*  
20 *the Northern Mariana Islands, American Samoa, and*  
21 *the Virgin Islands.*

22                    “(3) *STATE-OWNED NATIONAL GUARD INSTALLA-*  
23 *TION.*—*The term ‘State-owned National Guard instal-*  
24 *lation’ means land owned and operated by a State*  
25 *when such land is used for training the National*

1       *Guard pursuant to chapter 5 of title 32, United*  
2       *States Code, with funds provided by the Secretary of*  
3       *Defense or the Secretary of a military department,*  
4       *even though such land is not under the jurisdiction of*  
5       *the Department of Defense.”.*

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

9               (A) *in subsection (a)(1)(B)—*

10               (i) *by inserting “(i)” before “To facili-*  
11               *tate”; and*

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

14               “(i) *The Secretary of a military depart-*  
15               *ment may, subject to the availability of appro-*  
16               *priations, develop and implement an integrated*  
17               *natural resources management plan for a State-*  
18               *owned National Guard installation. Such a plan*  
19               *shall be developed and implemented in coordina-*  
20               *tion with the chief executive officer of the State*  
21               *in which the State-owned National Guard instal-*  
22               *lation is located. Such a plan is deemed, for pur-*  
23               *poses of any other provision of law, to be for*  
24               *lands or other geographical areas owned or con-*

1           *trolled by the Department of Defense, or des-*  
2           *ignated for its use.”;*

3           *(B) in subsection (a)(2), by inserting “or*  
4           *State-owned National Guard installation” after*  
5           *“military installation” both places it appears;*

6           *(C) in subsection (a)(3)—*

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

10           *(ii) by inserting “(A)” before “Con-*  
11           *sistent”;*

12           *(iii) in subparagraph (A), as des-*  
13           *ignated by clause (ii) of this subparagraph,*  
14           *by inserting “and State-owned National*  
15           *Guard installations” after “military instal-*  
16           *lations” the first place it appears;*

17           *(iv) in clause (i) of subparagraph (A),*  
18           *as redesignated by clause (i) of this sub-*  
19           *paragraph, by striking “military installa-*  
20           *tions” and inserting “such installations”;*

21           *(v) in clause (ii) of subparagraph (A),*  
22           *as redesignated by clause (i) of this sub-*  
23           *paragraph, by inserting “on such installa-*  
24           *tions” after “resources”; and*

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

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

7                   (D) in subsection (b), by inserting “and  
8                   State-owned National Guard installations” after  
9                   “military installations” the first place it ap-  
10                  pears;

11                  (E) in subparagraphs (G) and (I) of sub-  
12                  section (b)(1), by striking “military installa-  
13                  tion” each place it appears and inserting “in-  
14                  stallation”; and

15                  (F) in subsection (b)(3), by inserting “, in  
16                  the case of a military installation,” after “(3)  
17                  may”.

18                  (3)    COOPERATIVE    AGREEMENTS.—Section  
19                  103a(a) (16 U.S.C. 670c–1(a)) is amended—

20                  (A) in paragraph (1), by striking “Depart-  
21                  ment of Defense installations” and inserting  
22                  “military installations and State-owned Na-  
23                  tional Guard installations”; and

24                  (B) in paragraph (2), by striking “Depart-  
25                  ment of Defense installation” and inserting

1           *“military installation or State-owned National*  
2           *Guard installation”.*

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

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

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

8           **“SEC. 101. COOPERATIVE PLAN FOR CONSERVATION AND**  
9                   **REHABILITATION.”;**

10                   (B) *by striking “SEC. 101.”;*

11                   (C) *in subsection (c), by inserting “PROHI-*  
12                   *BITIONS ON SALE AND LEASE OF LANDS UNLESS*  
13                   *EFFECTS COMPATIBLE WITH PLAN.—” after*  
14                   *“(c)”;*

15                   (D) *in subsection (d), by inserting “IMPLE-*  
16                   *MENTATION AND ENFORCEMENT OF INTEGRATED*  
17                   *NATURAL RESOURCES MANAGEMENT PLANS.—”*  
18                   *after (d); and*

19                   (E) *in subsection (e)—*

20                           (i) *by inserting “APPLICABILITY OF*  
21                           *OTHER LAWS.—” after “(e)”;* and

22                           (ii) *by inserting a comma after*  
23                           *“Code”.*

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

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

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

4           (B) by striking “SEC. 102.” and inserting  
5           “(a) INTEGRATED NATURAL RESOURCES MAN-  
6           AGEMENT PLAN.—”; and

7           (C) by striking “agency:” and all that fol-  
8           lows through “possession” and inserting “agency.  
9           “(b) APPLICABILITY OF OTHER LAWS.—Possession”.

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

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

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

17           (B) by striking “SEC. 103a.”;

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

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

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



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

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

5           and

6           (B) by striking “SEC. 104.”.

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

8           (A) by inserting at the beginning the fol-  
9           lowing:

10   **“SEC. 105. APPLICABILITY TO OTHER LAWS; NATIONAL FOR-**  
11           **EST LANDS.”;**

12           and

13           (B) by striking “SEC. 105.”.

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

15           (A) by inserting at the beginning the fol-  
16           lowing:

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

18           (B) by striking “SEC. 108.”;

19           (C) in subsection (a), by inserting “EX-  
20           PENDITURES OF COLLECTED FUNDS UNDER IN-  
21           TEGRATED NATURAL RESOURCES MANAGEMENT  
22           PLANS.—” after “(a)”;

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

1           (E) in subsection (c), by inserting “AU-  
2 THORIZATION OF APPROPRIATIONS TO SEC-  
3 RETARY OF THE INTERIOR.—” after “(c)”; and

4           (F) in subsection (d), by inserting “USE OF  
5 OTHER CONSERVATION OR REHABILITATION AU-  
6 THORITIES.—” after “(d)”.

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

8           (A) by inserting at the beginning the fol-  
9 lowing:

10 **“SEC. 201. WILDLIFE, FISH, AND GAME CONSERVATION AND**  
11 **REHABILITATION PROGRAMS.”;**

12           (B) by striking “SEC. 201.”;

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

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

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

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

20 **“SEC. 202. COMPREHENSIVE PLANS FOR CONSERVATION**  
21 **AND REHABILITATION PROGRAMS.”;**

22           (B) by striking “SEC. 202.”;

23           (C) in subsection (a), by inserting “DEVEL-  
24 OPMENT OF PLANS.—” after “(a)”; and

1           (D) in subsection (b), by inserting “CON-  
2           SISTENCY WITH OVERALL LAND USE AND MAN-  
3           AGEMENT PLANS; HUNTING, TRAPPING, AND  
4           FISHING.—” after “(b)”;

5           (E) in subsection (c), by inserting “COOP-  
6           ERATIVE AGREEMENTS BY STATE AGENCIES FOR  
7           IMPLEMENTATION OF PROGRAMS.—” after “(c)”;  
8           and

9           (F) in subsection (d), by inserting “STATE  
10           AGENCY AGREEMENTS NOT COOPERATIVE  
11           AGREEMENTS UNDER OTHER PROVISIONS.—”  
12           after “(d)”.

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

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

16           **“SEC. 203. PUBLIC LAND MANAGEMENT AREA STAMPS FOR**  
17           **HUNTING, TRAPPING, AND FISHING ON PUB-**  
18           **LIC LANDS SUBJECT TO PROGRAMS.”;**

19           (B) by striking “SEC. 203.”;

20           (C) in subsection (a), by inserting “AGREE-  
21           MENTS TO REQUIRE STAMPS.—” after “(a)”;

22           and

23           (D) in subsection (b)—

24           (i) by inserting “CONDITIONS FOR  
25           AGREEMENTS.—” after “(b)”;

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

4                   (10) Section 204 (16 U.S.C. 670j) is amended—  
5                   (A) by inserting at the beginning the fol-  
6                   lowing:

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

8                   (B) by striking “SEC. 204.”;

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

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

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

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

18                   (11) Section 205 (16 U.S.C. 670k) is amended—  
19                   (A) by inserting at the beginning the fol-  
20                   lowing:

21                   **“SEC. 205. DEFINITIONS.”;**

22                   and

23                   (B) by striking “SEC. 205.”.

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

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 amended—

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

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

20           (B) by striking “SEC. 209.”;

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

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

4                   (E) in subsection (c), by inserting “*USE OF*  
5                   *OTHER CONSERVATION OR REHABILITATION AU-*  
6                   *THORITIES.—*” after “(c)”; and

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

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

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



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To amend the Sikes Act to improve the application of that Act to State-owned facilities used for the national defense.

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