

Union Calendar No. 76

108TH CONGRESS
1ST SESSION

H. R. 1497

[Report No. 108–100, Part I]

To reauthorize title I of the Sikes Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2003

Mr. POMBO introduced the following bill; which was referred to the Committee on 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

MAY 14, 2003

Reported from the Committee on Resources with amendments
[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 14, 2003

Referral to the Committee on Armed Services extended for a period ending
not later than June 13, 2003

JUNE 13, 2003

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 March 27, 2003]

A BILL

To reauthorize title I of the Sikes Act.

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 Reauthoriza-*
5 *tion Act of 2003”.*

6 **SEC. 2. REAUTHORIZATION OF TITLE I OF SIKES ACT.**

7 *Section 108 of the Sikes Act (16 U.S.C. 670f) is*
8 *amended by striking “fiscal years 1998 through 2003” each*
9 *place it appears and inserting “fiscal years 2004 through*
10 *2008”.*

11 **SEC. 3. SENSE OF CONGRESS.**

12 *(a) FINDINGS.—The Congress finds the following:*

13 *(1) The Department of Defense maintains over*
14 *25,000,000 acres of valuable fish and wildlife habitat*
15 *on approximately 400 military installations nation-*
16 *wide.*

17 *(2) These lands contain a wealth of plant and*
18 *animal life, vital wetlands for migratory birds, and*
19 *nearly 300 federally listed threatened species and en-*
20 *dangered species.*

21 *(3) Increasingly, land surrounding military*
22 *bases are being developed with residential and com-*
23 *mercial infrastructure that fragments fish and wild-*
24 *life habitat and decreases its ability to support a di-*
25 *versity of species.*

1 (4) *Comprehensive conservation plans, such as*
2 *integrated natural resource management plans under*
3 *the Sikes Act (16 U.S.C. 670 et seq.), can ensure that*
4 *these ecosystem values can be protected and enhanced*
5 *while allowing these lands to meet the needs of mili-*
6 *tary operations.*

7 (5) *Section 107 of the Sikes Act (16 U.S.C.*
8 *670e-2) requires sufficient numbers of professionally*
9 *trained natural resources management personnel and*
10 *natural resources law enforcement personnel to be*
11 *available and assigned responsibility to perform tasks*
12 *necessary to carry out title I of the Sikes Act, includ-*
13 *ing the preparation and implementation of integrated*
14 *natural resource management plans.*

15 (6) *Managerial and policymaking functions per-*
16 *formed by Department of Defense on-site profes-*
17 *sionally trained natural resource management per-*
18 *sonnel on military installations are appropriate gov-*
19 *ernmental functions.*

20 (7) *Professionally trained civilian biologists in*
21 *permanent Federal Government career managerial*
22 *positions are essential to oversee fish and wildlife and*
23 *natural resource conservation programs are essential*
24 *to the conservation of wildlife species on military*
25 *land.*

1 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
2 *that the Secretary of Defense should take whatever steps are*
3 *necessary to ensure that section 107 of the Sikes Act (16*
4 *U.S.C. 670e–2) is fully implemented consistent with the*
5 *findings made in subsection (a).*

6 **SEC. 4. ADVANCE NOTICE AND CONSULTATION REGARDING**
7 **INTEGRATED NATURAL RESOURCE MANAGE-**
8 **MENT PLANS.**

9 Section 101(a)(2) of the Sikes Act (16 U.S.C.
10 670a(a)(2)) is amended—

11 (1) by inserting “(A)” before “The Secretary”;
12 and

13 (2) by adding at the end the following:

14 “(B)(i) The Secretary of a military department
15 shall advise the Secretary of the Interior and the head
16 of the appropriate State fish and wildlife agency of
17 the intent of the Secretary of the military department
18 to prepare or revise an integrated natural resources
19 management plan under this subsection, by not later
20 than 30 days before publishing public notice of such
21 intent.

22 “(ii) The Secretary of the military department,
23 the Secretary of the Interior, and the head of such ap-
24 propriate State fish and wildlife agency, in the period
25 beginning on the date of publication of notice under

1 *clause (i) and ending on the date of publication of*
2 *public notice referred to in clause (i), shall consult to*
3 *determine the following:*

4 *“(I) The intended scope of the integrated*
5 *natural resources management plan that is the*
6 *subject of the notice.*

7 *“(II) The timetable for preparation or revi-*
8 *sion of such plan.*

9 *“(III) What steps must be taken to comply*
10 *with section 102 of the National Environmental*
11 *Policy Act of 1969 (42 U.S.C. 4332) in such*
12 *preparation or revision.*

13 *“(IV) An estimation of the financial and*
14 *human resources needed to complete such prepa-*
15 *ration or revision.”.*

16 **SEC. 5. RESOURCE AGENCY CERTIFICATIONS REGARDING**
17 **INTEGRATED NATURAL RESOURCE MANAGE-**
18 **MENT PLANS.**

19 *Section 101 of the Sikes Act (16 U.S.C. 670a) is fur-*
20 *ther amended—*

21 *(1) in subsection (a)(2), by adding at the end the*
22 *following:*

23 *“(C) An integrated natural resources manage-*
24 *ment plan prepared or revised under this section shall*
25 *not be considered to reflect the mutual agreement of*

1 *the parties for purposes of subparagraph (A) unless*
2 *the Secretary of the Interior, the head of the appro-*
3 *priate State fish and wildlife agency, and the Sec-*
4 *retary of the military department that prepares or re-*
5 *vises the plan each certify that the plan adequately*
6 *addresses conservation, protection, and management*
7 *of fish and wildlife resources.”;*

8 (2) *in subsection (b)(2), by inserting “and recer-*
9 *tified under subsection (a)(2)(C) by each of the Sec-*
10 *retary of the Interior, the head of the appropriate*
11 *State fish and wildlife agency, and the Secretary of*
12 *the military department that prepared the plan” after*
13 *“parties thereto”; and*

14 (3) *in subsection (f)(2), by adding at the end the*
15 *following: “The report shall include a statement of the*
16 *number of integrated natural resources management*
17 *plans that were certified or recertified by the Sec-*
18 *retary of the Interior under subsection (a)(2)(C) in*
19 *the year covered by the report.”.*

20 **SEC. 6. PUBLIC NOTICE AND COMMENT REGARDING INTE-**
21 **GRATED NATURAL RESOURCE MANAGEMENT**
22 **PLANS.**

23 *Section 101(a)(2) of the Sikes Act (16 U.S.C.*
24 *670a(a)(2)) is further amended by adding at the end the*
25 *following:*

1 “(D) *The Secretary of a military department*
2 *shall—*

3 “(i) *publish public notice in the Federal*
4 *Register or, if more appropriate, a readily acces-*
5 *sible publication such as a local or regional*
6 *newspaper, of the intent of the Secretary to pre-*
7 *pare or revise an integrated natural resources*
8 *management plan under this paragraph; and*

9 “(ii) *provide an opportunity for the submis-*
10 *sion by the public of comments regarding such*
11 *preparation or revision, for a period of at least*
12 *30 days.”.*

13 **SEC. 7. INVASIVE SPECIES MANAGEMENT FOR MILITARY IN-**
14 **STALLATIONS.**

15 (a) *IN GENERAL.—Section 101(b)(1) of the Sikes Act*
16 *(16 U.S.C. 670a(b)(1)) is amended by redesignating sub-*
17 *paragraphs (D) through (J) in order as subparagraphs (E)*
18 *through (K), and by inserting after subparagraph (C) the*
19 *following:*

20 “(D) *in the case of a plan for a military in-*
21 *stallation in Guam, management, control, and*
22 *eradication of invasive species that are not na-*
23 *tive to the ecosystem of the military installation*
24 *and the introduction of which cause or may*
25 *cause harm to military readiness, the environ-*

1 *ment, the economy, or human health and safe-*
2 *ty;”.*

3 **(b) APPLICATION.**—*The amendment made by sub-*
4 *section (a) shall apply—*

5 *(1) to any integrated natural resources manage-*
6 *ment plan prepared under section 101(a)(1) of the*
7 *Sikes Act (16 U.S.C. 670a(a)(1)) on or after the date*
8 *of the enactment of this Act; and*

9 *(2) to any integrated natural resources manage-*
10 *ment plan prepared under section 101(a)(1) of the*
11 *Sikes Act (16 U.S.C. 670a(a)(1)) before the date of the*
12 *enactment of this Act, effective March 1, 2004.*

Amend the title so as to read: “A bill to reauthorize title I of the Sikes Act, and for other purposes.”.

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