

US Code

(Unofficial compilation from the Legal Information Institute)

TITLE 16 - CONSERVATION

CHAPTER 5C—CONSERVATION PROGRAMS ON GOVERNMENT LANDS

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SUBCHAPTER I—CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS

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SUBCHAPTER I—CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS

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§ 670. Definitions

In this subchapter:

(1) Military installation

The term “military installation”—

(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department, except land under the jurisdiction of the Assistant Secretary of the Army having responsibility for civil works;

(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the Secretary of a military department; and

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

(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, 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.

(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.

(5) United States

The term “United States” means the States, the District of Columbia, and the territories and possessions of the United States.

(Pub. L. 86–797, title I, § 100, as added Pub. L. 105–85, div. B, title XXIX, § 2911, Nov. 18, 1997, 111 Stat. 2021; amended Pub. L. 112–81, div. A, title III, § 312(a)(1), Dec. 31, 2011, 125 Stat. 1351.)

Amendments

2011—Pars. (2) to (5). Pub. L. 112–81 added pars. (2) and (3) and redesignated former pars. (2) and (3) as (4) and (5), respectively.

Short Title of 1997 Amendment

Section 2901 of title XXIX of Pub. L. 105–85 provided that: “This title [enacting this section and sections 670e–1 and 670e–2 of this title, amending sections 670a, 670b, 670c, 670c–1, 670f, and 670o of this title, repealing section 670a–1 of this title, and enacting provisions set out as notes under this section and section 670a of this title] may be cited as the ‘Sikes Act Improvement Act of 1997.’”

Short Title of 1978 Amendment

Pub. L. 95–420, § 1, Oct. 5, 1978, 92 Stat. 921, provided: “That this Act [amending sections 670f and 670o of this title] may be cited as the ‘Sikes Act Amendments of 1978.’”

Short Title

Section 1 of Pub. L. 86–797, as added by Pub. L. 105–85, div. B, title XXIX, § 2903, Nov. 18, 1997, 111 Stat. 2016, provided that: “This Act [enacting this chapter] may be cited as the ‘Sikes Act’.”

.....

§ 670a. Cooperative plan for conservation and rehabilitation

(a) Authority of Secretary of Defense

(1) Program

(A) In general

The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations.

(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—

- (i)** the conservation and rehabilitation of natural resources on such installations;
- (ii)** the sustainable multipurpose use of the resources on such installations, which shall include hunting, fishing, trapping, and nonconsumptive uses; and
- (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.

(4) Effect on other law

Nothing in this subchapter—

(A)

TITLE 16 - Section 670a - Cooperative plan for conservation and rehabilitation

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

(ii) enlarges or diminishes the responsibility and authority of any State for the protection and management of fish and resident wildlife; or

(B) except as specifically provided in the other provisions of this section and in section 670b of this title, authorizes the Secretary of a military department to require a Federal license or permit to hunt, fish, or trap on a military installation.

(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) of this section—

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

(A) fish and wildlife management, land management, forest management, and fish- and wildlife-oriented recreation;

(B) fish and wildlife habitat enhancement or modifications;

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

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

(E) establishment of specific natural resource management goals and objectives and time frames for proposed action;

(F) sustainable use by the public of natural resources to the extent that the use is not inconsistent with the needs of fish and wildlife resources;

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

(H) enforcement of applicable natural resource laws (including regulations);

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

(J) such other activities as the Secretary of the military department determines appropriate;

(2) must be reviewed as to operation and effect by the parties thereto on a regular basis, but not less often than every 5 years; 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) the Commanding Officer of the installation or persons designated by that Officer are authorized to enforce such special hunting and fishing permits and to collect, spend, administer, and account for fees for the permits, acting as agent or agents for the State if the integrated natural resources management plan so provides, and

(B) the fees collected under this paragraph may not be expended with respect to other than the military installation on which collected, unless the military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes.

(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) of this section—

- (1) no sale of land, or forest products from land, that is within a military installation covered by that plan may be made under section 2665 (a) or (b) of title 10; and
- (2) no leasing of land that is within the installation may be made under section 2667 of such title 10;

unless the effects of that sale or leasing are compatible with the purposes of the plan.

(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) of this section—

- (1) neither Office of Management and Budget Circular A-76 nor any successor circular thereto applies to the procurement of services that are necessary for that implementation and enforcement; and
- (2) priority shall be given to the entering into of contracts for the procurement of such implementation and enforcement services with Federal and State agencies having responsibility for the conservation or management of fish or wildlife.

(e) Applicability of other laws

Integrated natural resources management plans agreed to under the authority of this section and section 670b of this title shall not be deemed to be, nor treated as, cooperative agreements to which chapter 63 of title 31 applies.

(f) Reviews and reports

(1) Secretary of Defense

Not later than March 1 of each year, the Secretary of Defense shall review the extent to which integrated natural resources management plans were prepared or were in effect and implemented in accordance with this subchapter in the preceding year, and submit a report on the findings of the review to the committees. Each report shall include—

- (A) the number of integrated natural resources management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;
- (B) the amounts expended on conservation activities conducted pursuant to the plans in the year covered by the report; and
- (C) an assessment of the extent to which the plans comply with this subchapter.

(2) Secretary of the Interior

Not later than March 1 of each year and in consultation with the heads of State fish and wildlife agencies, the Secretary of the Interior shall submit a report to the committees on the amounts expended by the Department of the Interior and the State fish and wildlife agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resources management plans.

(3) “Committees” defined

In this subsection, the term “committees” means—

- (A) the Committee on Resources and the Committee on Armed Services of the House of Representatives; and
- (B) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.

(g) Pilot program for invasive species management for military installations in Guam

(1) Inclusion of invasive species management

TITLE 16 - Section 670a - Cooperative plan for conservation and rehabilitation

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During fiscal years 2009 through 2014, the Secretary of Defense shall, to the extent practicable and conducive to military readiness, incorporate in integrated natural resources management plans for military installations in Guam the management, control, and eradication of invasive species—

(A) that are not native to the ecosystem of the military installation; and

(B) the introduction of which cause or may cause harm to military readiness, the environment, or human health and safety.

(2) Consultation

The Secretary of Defense shall carry out this subsection in consultation with the Secretary of the Interior.

(Pub. L. 86–797, title I, § 101, formerly § 1, Sept. 15, 1960, 74 Stat. 1052; renumbered title I, § 101, and amended Pub. L. 93–452, §§ 1(1), 3 (1), (2), Oct. 18, 1974, 88 Stat. 1369, 1375; Pub. L. 97–396, § 1, Dec. 31, 1982, 96 Stat. 2005; Pub. L. 99–561, § 3(a)(1), Oct. 27, 1986, 100 Stat. 3150; Pub. L. 105–85, div. B, title XXIX, §§ 2904(a)–(b)(4), (c), 2906, 2907, 2913(2)–(4), Nov. 18, 1997, 111 Stat. 2017, 2018, 2020, 2022; Pub. L. 106–65, div. A, title X, § 1067(19), Oct. 5, 1999, 113 Stat. 775; Pub. L. 108–136, div. A, title III, § 311(c)(1), Nov. 24, 2003, 117 Stat. 1429; Pub. L. 111–84, div. A, title III, § 314, Oct. 28, 2009, 123 Stat. 2248; Pub. L. 112–81, div. A, title III, § 312(a)(2), (b)(1), Dec. 31, 2011, 125 Stat. 1352, 1353.)

Amendments

2011—Pub. L. 112–81, § 312(b)(1)(A), (B), inserted section catchline.

Subsec. (a)(1)(B). Pub. L. 112–81, § 312(a)(2)(A), designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (a)(2). Pub. L. 112–81, § 312(a)(2)(B), inserted “or State-owned National Guard installation” after “military installation” in two places.

Subsec. (a)(3)(A). Pub. L. 112–81, § 312(a)(2)(C)(i)–(v), designated introductory provisions as subpar. (A), redesignated former subpars. (A), (B), and (C) as cls. (i), (ii), and (iii), respectively, inserted “and State-owned National Guard installations” after “Consistent with the use of military installations”, substituted “such installations” for “military installations” in cl. (i), and inserted “on such installations” after “resources” in cl. (ii).

Subsec. (a)(3)(B). Pub. L. 112–81, § 312(a)(2)(C)(vi), added subpar. (B).

Subsec. (b). Pub. L. 112–81, § 312(a)(2)(D), inserted “and State-owned National Guard installations” after “military installations” in introductory provisions.

Subsec. (b)(1)(G), (I). Pub. L. 112–81, § 312(a)(2)(E), substituted “installation” for “military installation”.

Subsec. (b)(3). Pub. L. 112–81, § 312(a)(2)(F), inserted “, in the case of a military installation,” after “(3) may”.

Subsec. (c). Pub. L. 112–81, § 312(b)(1)(C), inserted heading.

Subsec. (d). Pub. L. 112–81, § 312(b)(1)(D), inserted heading.

Subsec. (e). Pub. L. 112–81, § 312(b)(1)(E)(ii), which directed insertion of a comma after “Code”, could not be executed because the word “Code” did not appear.

Pub. L. 112–81, § 312(b)(1)(E)(i), inserted heading.

2009—Subsec. (g)(1). Pub. L. 111–84 substituted “fiscal years 2009 through 2014” for “fiscal years 2004 through 2008” in introductory provisions.

2003—Subsec. (g). Pub. L. 108–136 added subsec. (g).

1999—Subsec. (f)(3)(A). Pub. L. 106–65 substituted “Committee on Armed Services” for “Committee on National Security”.

1997—Subsec. (a). Pub. L. 105–85, § 2904(a), added subsec. (a) and struck out former subsec. (a) which read as follows: “The Secretary of Defense is authorized to carry out a program of planning for, and the development, maintenance, and coordination of, wildlife, fish, and game conservation and rehabilitation in each military reservation in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior, and the appropriate State agency designated by the State in which the reservation is located.”

TITLE 16 - Section 670a - Cooperative plan for conservation and rehabilitation

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Subsec. (b). Pub. L. 105–85, § 2904(c)(1), inserted heading and substituted, in introductory provisions, -“Consistent with the use of military installations to ensure the preparedness of the Armed Forces, each integrated natural resources management plan prepared under subsection (a) of this section—” for “Each cooperative plan entered into under subsection (a) of this section—”.

Subsec. (b)(1). Pub. L. 105–85, § 2904(c)(1), added par. (1) and struck out former par. (1) which read as follows: “shall provide for—

“(A) fish and wildlife habitat improvements or modifications,

“(B) range rehabilitation where necessary for support of wildlife,

“(C) control of off-road vehicle traffic, and

“(D) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered;”.

Subsec. (b)(2). Pub. L. 105–85, § 2904(c)(2), inserted “and” at end.

Subsec. (b)(3). Pub. L. 105–85, § 2904(c)(3), (4), redesignated par. (4) as (3) and struck out former par. (3) which read as follows: “shall, if a multiuse natural resources management plan is applicable to the military reservation, be treated as the exclusive component of that management plan with respect to wildlife, fish, and game conservation and rehabilitation; and”.

Subsec. (b)(3)(A). Pub. L. 105–85, § 2913(2)(A), substituted “the installation” for “the reservation”.

Pub. L. 105–85, § 2904(c)(5), substituted “collect, spend, administer, and account for fees for the permits,” for “collect the fees therefor.”.

Subsec. (b)(3)(B). Pub. L. 105–85, § 2912(2)(B), substituted “the military installation on” for “the military reservation on”.

Pub. L. 105–85, § 2906, inserted before period at end “, unless the military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes”.

Subsec. (b)(4). Pub. L. 105–85, § 2904(c)(4), redesignated par. (4) as (3).

Pub. L. 105–85, § 2904(b)(1), substituted “integrated natural resources management plan” for “cooperative plan” in introductory provisions and in subpar. (A).

Subsec. (c). Pub. L. 105–85, § 2904(b)(2), substituted “an integrated natural resources management plan” for “a cooperative plan” in introductory provisions.

Subsec. (c)(1). Pub. L. 105–85, § 2913(3)(A), substituted “a military installation” for “a military reservation”.

Subsec. (c)(2). Pub. L. 105–85, § 2913(3)(B), substituted “the installation” for “the reservation”.

Subsec. (d). Pub. L. 105–85, § 2904(b)(3), substituted “integrated natural resources management plans” for “cooperative plans” in introductory provisions.

Subsec. (e). Pub. L. 105–85, § 2913(4), substituted “chapter 63 of title 31” for “the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)”.

Pub. L. 105–85, § 2904(b)(4), substituted “Integrated natural resources management plans” for “Cooperative plans”.

Subsec. (f). Pub. L. 105–85, § 2907, added subsec. (f).

1986—Pub. L. 99–561 amended section generally. Prior to amendment, section read as follows: “The Secretary of Defense is hereby authorized to carry out a program of planning, development, maintenance and coordination of wildlife, fish and game conservation and rehabilitation in military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of Interior and the appropriate State agency designated by the State in which the reservation is located. Such cooperative plan shall provide for (1) fish and wildlife habitat improvements or modifications, (2) range rehabilitation where necessary for support of wildlife, (3) control of off-road vehicle traffic, and (4) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered. Such cooperative plan may stipulate the issuance of special State hunting and fishing permits to individuals and require this payment of a nominal fee 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 cooperative plan: Provided, That the Commanding Officer of the reservation or persons designated by him are authorized to enforce such special hunting and fishing permits and to collect the fees therefor, acting as agent or agents for the State if the cooperative plan so provides. Cooperative plans agreed to under the authority of this section and section 670b of this title shall not be deemed to be, nor treated as, cooperative agreements to which chapter 63 of title 31 applies.”

TITLE 16 - Section 670a - Cooperative plan for conservation and rehabilitation

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

1982—Pub. L. 97–396, § 1(1), added cl. (4).

Pub. L. 97–396, § 1(2), inserted provision that cooperative plans agreed to under the authority of this section and section 670b of this title shall not be deemed to be, nor treated as, cooperative agreements to which chapter 63 of title 31 applies.

1974—Pub. L. 93–452, §§ 1(1), 3 (2), inserted provisions requiring the cooperative plan to provide for fish and wildlife habitat improvements, range rehabilitation, and off-road vehicle traffic control.

Change of Name

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

Effective Date of 2003 Amendment

Pub. L. 108–136, div. A, title III, § 311(c)(2), Nov. 24, 2003, 117 Stat. 1429, provided that: “Section 101(g) of the Sikes Act, as added by paragraph (1), [subsec. (g) of this section] shall apply—

“(A) to any integrated natural resources management plan prepared for a military installation in Guam under section 101(a)(1) of such Act on or after the date of the enactment of this Act [Nov. 24, 2003]; and

“(B) effective March 1, 2004, to any integrated natural resources management plan prepared for a military installation in Guam under such section before the date of the enactment of this Act.”

Review for Preparation of Integrated Natural Resources Management Plans

Pub. L. 105–85, div. B, title XXIX, § 2905, Nov. 18, 1997, 111 Stat. 2019, provided that:

“(a) Definitions.—In this section, the terms ‘military installation’ and ‘United States’ have the meanings provided in section 100 of the Sikes Act [16 U.S.C. 670] (as added by section 2911).

“(b) Review of Military Installations.—

“(1) Review.—Not later than 270 days after the date of enactment of this Act [Nov. 18, 1997], the Secretary of each military department shall—

“(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resources management plan under section 101 of the Sikes Act [16 U.S.C. 670a] (as amended by this title) is appropriate; and

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

“(2) Report to congress.—Not later than one year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the reviews conducted under paragraph (1). The report shall include—

“(A) a list of the military installations reviewed under paragraph (1) for which the Secretary of the appropriate military department determines that the preparation of an integrated natural resources management plan is not appropriate; and

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

“(c) Deadline for Integrated Natural Resources Management Plans.—Not later than three years after the date of the submission of the report required under subsection (b)(2), the Secretary of each military department shall, for each military installation with respect to which the Secretary has not determined under subsection (b)(2)(A) that preparation of an integrated natural resources management plan is not appropriate—

“(1) prepare and begin implementing such a plan in accordance with section 101(a) of the Sikes Act [16 U.S.C. 670a (a)] (as amended by this title); or

“(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of enactment of this Act [Nov. 18, 1997], complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to the plan that are necessary for the plan to constitute an integrated natural resources management plan that complies with that section, as amended by this title.

“(d) Public Comment.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

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

“(2) changes to cooperative plans proposed under subsection (c)(2).”

Applicability of 1986 Amendments to Existing Contracts

Pub. L. 99–561, § 3(a)(2), Oct. 27, 1986, 100 Stat. 3151, provided that: “Subsection (d)(1) of such section 101 (as added by paragraph (1) [16 U.S.C. 670a (d)(1)]) shall not affect any contract entered into before the date of the enactment of this Act [October 27, 1986] for the provision of services to implement or enforce a cooperative plan under this Act [enacting section 670a–1 of this title and amending this section and sections 670f and 670o of this title and section 2665 of Title 10, Armed Forces] on any military installation; but shall apply to the renewal, after such date of enactment, of any such contract.”

.....

§ 670a–1. Repealed. Pub. L. 105–85, div. B, title XXIX, § 2912, Nov. 18, 1997, 111 Stat. 2022

Section, Pub. L. 99–561, § 2, Oct. 27, 1986, 100 Stat. 3149, related to natural resources and fish and wildlife management on military reservations and required report on military expenditures for fish and wildlife management.

.....

§ 670b. Migratory game birds; hunting permits

(a) Integrated natural resources management plan

The Secretary of Defense in cooperation with the Secretary of the 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.

(b) Applicability of other laws

Possession of a special permit for hunting migratory game birds issued pursuant to this subchapter shall not relieve the permittee of the requirements of the Migratory Bird Hunting Stamp Act as amended [16 U.S.C. 718 et seq.] nor of the requirements pertaining to State law set forth in Public Law 85–337.

(Pub. L. 86–797, title I, § 102, formerly § 2, Sept. 15, 1960, 74 Stat. 1053; renumbered title I, § 102, and amended Pub. L. 93–452, § 3(1), (3), Oct. 18, 1974, 88 Stat. 1375; Pub. L. 105–85, div. B, title XXIX, §§ 2904(b)(5), 2913 (5), Nov. 18, 1997, 111 Stat. 2018, 2022; Pub. L. 112–81, div. A, title III, § 312(b)(2), Dec. 31, 2011, 125 Stat. 1353.)

References in Text

The Migratory Bird Hunting Stamp Act, referred to in subsec. (b), subsequently renamed the Migratory Bird Hunting and Conservation Stamp Act, is act Mar. 16, 1934, ch. 71, 48 Stat. 452, as amended, which is classified generally to subchapter IV (§ 718 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 718 of this title and Tables.

Public Law 85–337, referred to in subsec. (b), is Pub. L. 85–337, Feb. 28, 1958, 72 Stat. 28, which is classified to section 2671 of Title 10, Armed Forces, section 472 of former Title 40, Public Buildings, Property, and Works [now 40 U.S.C. 102], and sections 155 to 158 of Title 43, Public Lands. For complete classification of this Act to the Code, see Tables.

Amendments

2011—Pub. L. 112–81 inserted section catchline and subsec. (a) designation and heading, and substituted “agency.”, subsec. (b) designation and heading, and “Possession” for “agency: Provided, That possession”.

1997—Pub. L. 105–85 substituted “military installations” for “military reservations” and “an integrated natural resources management plan” for “a cooperative plan”.

1974—Pub. L. 93–452, § 3(3), substituted “title” for “Act” which for purposes of codification was translated as “subchapter”.

.....

§ 670c. Program for public outdoor recreation

(a) Program authorized

The Secretary of Defense is also authorized to carry out a program for the development, enhancement, operation, and maintenance of public outdoor recreation resources at military installations in accordance with an integrated natural resources management plan mutually agreed upon by the Secretary of Defense and the Secretary of the Interior, in consultation with the appropriate State agency designated by the State in which the installations are located.

(b) Access for disabled veterans, military dependents with disabilities, and other persons with disabilities

(1) In developing facilities and conducting programs for public outdoor recreation at military installations, consistent with the primary military mission of the installations, the Secretary of Defense shall ensure, to the extent reasonably practicable, that outdoor recreation opportunities (including fishing, hunting, trapping, wildlife viewing, boating, and camping) made available to the public also provide access for persons described in paragraph (2) when topographic, vegetative, and water resources allow access for such persons without substantial modification to the natural environment.

(2) Persons referred to in paragraph (1) are the following:

(A) Disabled veterans.

(B) Military dependents with disabilities.

(C) Other persons with disabilities, when access to a military installation for such persons and other civilians is not otherwise restricted.

(3) The Secretary of Defense shall carry out this subsection in consultation with the Secretary of Veterans Affairs, national service, military, and veterans organizations, and sporting organizations in the private sector that participate in outdoor recreation projects for persons described in paragraph (2).

(c) Acceptance of donations

In connection with the facilities and programs for public outdoor recreation at military installations, in particular the requirement under subsection (b) of this section to provide access for persons described in paragraph (2) of such subsection, the Secretary of Defense may accept—

(1) the voluntary services of individuals and organizations; and

(2) donations of property, whether real or personal.

(d) Treatment of volunteers

A volunteer under subsection (c) of this section shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

(1) for the purposes of the tort claims provisions of chapter 171 of title 28, the volunteer shall be considered to be a Federal employee; and

(2) for the purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, the volunteer shall be considered to be an employee, as defined in section 8101 (1)(B) of title 5, and the provisions of such subchapter shall apply.

(Pub. L. 86–797, title I, § 103, formerly § 3, Sept. 15, 1960, 74 Stat. 1053; Pub. L. 90–465, § 1, Aug. 8, 1968, 82 Stat. 661; renumbered title I, § 103, Pub. L. 93–452, § 3(1), Oct. 18, 1974, 88 Stat. 1375; Pub. L. 105–85, div. B, title XXIX, §§ 2904(b)(6), 2913 (6), Nov. 18, 1997, 111 Stat. 2018, 2022; Pub. L. 105–261, div. B, title XXVIII, § 2813, Oct. 17, 1998, 112 Stat. 2206.)

Amendments

1998—Pub. L. 105–261 inserted section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsecs. (b) to (d).

1997—Pub. L. 105–85 substituted “military installations” for “military reservations”, “an integrated natural resources management plan” for “a cooperative plan”, and “the installations” for “such reservations”.

1968—Pub. L. 90–465 authorized the carrying out of a public outdoor recreation resources program under a cooperative plan between Secretary of Defense, Secretary of the Interior, and State agencies, and struck out provisions for expenditure of funds collected and purposes therefor, now incorporated in section 670f (a) of this title.

.....

§ 670c–1. 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, military installations and State-owned National Guard installations.
- (2) The maintenance and improvement of natural resources located off of a 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.

(b) Multiyear agreements

Funds appropriated to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided under a cooperative agreement or interagency agreement entered into under subsection (a) of this section or through an agency agreement under section 1535 of title 31 during any 18-month period beginning in that fiscal year, without regard to whether the agreement crosses fiscal years.

(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 applies.

(Pub. L. 86–797, title I, § 103a, as added Pub. L. 101–189, div. B, title XXVIII, § 2845(a), Nov. 29, 1989, 103 Stat. 1664; amended Pub. L. 105–85, div. B, title XXIX, § 2908, Nov. 18, 1997, 111 Stat. 2021; Pub. L. 110–417, [div. A], title III, § 313, Oct. 14, 2008, 122 Stat. 4409; Pub. L. 111–84, div. A, title III, § 313, Oct. 28, 2009, 123 Stat. 2248; Pub. L. 112–81, div. A, title III, § 312(a)(3), (b)(3), Dec. 31, 2011, 125 Stat. 1352, 1353.)

Amendments

2011—Pub. L. 112–81, § 312(b)(3)(A), (B), inserted section catchline.

Subsec. (a). Pub. L. 112–81, § 312(b)(3)(C), inserted heading.

Subsec. (a)(1). Pub. L. 112–81, § 312(a)(3)(A), substituted “military installations and State-owned National Guard installations” for “Department of Defense installations”.

Subsec. (a)(2). Pub. L. 112–81, § 312(a)(3)(B), substituted “military installation or State-owned National Guard installation” for “Department of Defense installation”.

Subsec. (c). Pub. L. 112–81, § 312(b)(3)(D), inserted heading.

TITLE 16 - Section 670d - Liability for funds; accounting to Comptroller General

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

2009—Pub. L. 111–84 inserted, in section catchline, “and interagency” after “Cooperative”, in subsec. (a), “, and into interagency agreements with the heads of other Federal departments and agencies,” after “and individuals” in introductory provisions and “or interagency agreement” after “cooperative agreement” in par. (2), in subsec. (b), “or interagency agreement” after “cooperative agreement”, and, in subsec. (c), “and interagency agreements” after “Cooperative agreements”.

2008—Subsec. (a). Pub. L. 110–417 substituted “to provide for the following:

“(1) The”

for “to provide for the” and added par. (2).

1997—Subsec. (a). Pub. L. 105–85, § 2908(1), substituted “Secretary of a military department” for “Secretary of Defense”.

Subsec. (b). Pub. L. 105–85, § 2908(2), added heading and text of subsec. (b) and struck out former subsec. (b) which read as follows: “A cooperative agreement shall provide for the Secretary of Defense and the other party or parties to the agreement—

“(1) to contribute funds on a matching basis to defray the cost of programs, projects, and activities under the agreement; or

“(2) to furnish services on a matching basis to carry out such programs, projects, and activities,

or to do both.”

.....

§ 670d. 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 subchapter any funds which may have been or may hereafter be collected, received or expended pursuant to, and for the purposes of, this subchapter, and which collections, receipts and expenditures have been properly accounted for to the Comptroller General of the United States.

(Pub. L. 86–797, title I, § 104, formerly § 4, Sept. 15, 1960, 74 Stat. 1053; renumbered title I, § 104, and amended Pub. L. 93–452, § 3(1), (4), Oct. 18, 1974, 88 Stat. 1375; Pub. L. 112–81, div. A, title III, § 312(b)(4), Dec. 31, 2011, 125 Stat. 1353.)

Amendments

2011—Pub. L. 112–81 inserted section catchline.

1974—Pub. L. 93–452, § 3(4), substituted “title” for “Act” wherever appearing, which for purposes of codification was translated as “subchapter”.

.....

§ 670e. 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 315m of title 43.

(Pub. L. 86–797, title I, § 105, formerly § 5, Sept. 15, 1960, 74 Stat. 1053; renumbered title I, § 105, Pub. L. 93–452, § 3(1), Oct. 18, 1974, 88 Stat. 1375; amended Pub. L. 112–81, div. A, title III, § 312(b)(5), Dec. 31, 2011, 125 Stat. 1353.)

References in Text

Public Law 85–337, referred to in text, is Pub. L. 85–337, Feb. 28, 1958, 72 Stat. 28, which is classified to section 2671 of Title 10, Armed Forces; section 472 of former Title 40, Public Buildings, Property, and Works [now 40 U.S.C. 102]; and sections 155 to 158 of Title 43, Public Lands. For complete classification of this Act to the Code, see Tables.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

Section 9 of the Act of June 7, 1924 [ch. 348, 43 Stat. 655], referred to in text, was classified to the code as follows: The first and fifth sentences were classified to section 471 (b) of this title, which was repealed by section 704(a) of Pub. L. 94-579; the second and third sentences were classified to section 505 of this title; and the fourth sentence was classified to section 499 of this title.

Amendments

2011—Pub. L. 112-81 inserted section catchline.

§ 670e-1. Federal enforcement of other laws

All Federal laws relating to the management of natural resources on Federal land may be enforced by the Secretary of Defense with respect to violations of the laws that occur on military installations within the United States.

(Pub. L. 86-797, title I, § 106, as added Pub. L. 105-85, div. B, title XXIX, § 2909(2), Nov. 18, 1997, 111 Stat. 2021.)

Prior Provisions

A prior section 106 of Pub. L. 86-797 was renumbered section 108, and is classified to section 670f of this title.

§ 670e-2. Natural resources management services

To the extent practicable using available resources, the Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resources management personnel and natural resources law enforcement personnel are available and assigned responsibility to perform tasks necessary to carry out this subchapter, including the preparation and implementation of integrated natural resources management plans.

(Pub. L. 86-797, title I, § 107, as added Pub. L. 105-85, div. B, title XXIX, § 2910, Nov. 18, 1997, 111 Stat. 2021.)

§ 670f. 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 670a and 670b of this title and cooperative agreements agreed to under section 670c-1 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 subchapter, 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 670c-1 of this title. 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 subchapter.

(Pub. L. 86–797, title I, § 108, formerly § 6, as added Pub. L. 90–465, § 2, Aug. 8, 1968, 82 Stat. 661; renumbered title I, § 106, and amended Pub. L. 93–452, §§ 1(2), 3 (1), (4), (5), Oct. 18, 1974, 88 Stat. 1369, 1375; Pub. L. 95–420, § 2, Oct. 5, 1978, 92 Stat. 921; Pub. L. 97–396, § 2, Dec. 31, 1982, 96 Stat. 2005; Pub. L. 99–561, §§ 1(a), 3 (b), Oct. 27, 1986, 100 Stat. 3149, 3151; Pub. L. 100–653, title II, § 202(a), Nov. 14, 1988, 102 Stat. 3827; Pub. L. 101–189, div. B, title XXVIII, § 2845(b), Nov. 29, 1989, 103 Stat. 1664; renumbered § 108, and amended Pub. L. 105–85, div. B, title XXIX, §§ 2904(b)(7), (8), 2909 (1), 2914 (a), Nov. 18, 1997, 111 Stat. 2018, 2021, 2022; Pub. L. 108–136, div. A, title III, § 311(a), Nov. 24, 2003, 117 Stat. 1428; Pub. L. 111–84, div. A, title III, § 312, Oct. 28, 2009, 123 Stat. 2247; Pub. L. 112–81, div. A, title III, § 312(b)(6), Dec. 31, 2011, 125 Stat. 1353.)

Amendments

2011—Pub. L. 112–81 inserted section catchline and headings for subsecs. (a) to (d).

2009—Subsec. (b). Pub. L. 111–84, § 312(a), (b)(1), substituted “Of the amounts authorized to be appropriated to the Department of Defense, there are authorized” for “There are authorized” and “fiscal years 2009 through 2014” for “fiscal years 2004 through 2008”.

Subsec. (c). Pub. L. 111–84, § 312(a), (b)(2), substituted “Of the amounts authorized to be appropriated to the Department of the Interior, there are authorized” for “There are authorized” and “fiscal years 2009 through 2014” for “fiscal years 2004 through 2008”.

2003—Subsecs. (b), (c). Pub. L. 108–136 substituted “fiscal years 2004 through 2008” for “fiscal years 1998 through 2003”.

1997—Subsec. (a). Pub. L. 105–85, § 2904(b)(7), substituted “integrated natural resources management plans” for “cooperative plans”.

Subsec. (b). Pub. L. 105–85, § 2914(a), substituted “1998 through 2003,” for “1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993,”.

Subsec. (c). Pub. L. 105–85, § 2914(a), substituted “1998 through 2003,” for “1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993,”.

Pub. L. 105–85, § 2904(b)(8), substituted “integrated natural resources management plans” for “cooperative plans”.

1989—Subsec. (a). Pub. L. 101–189, § 2845(b)(1), inserted “and cooperative agreements agreed to under section 670c–1 of this title” after “sections 670a and 670b of this title”.

Subsec. (b). Pub. L. 101–189, § 2845(b)(2), inserted “, and to carry out such functions and responsibilities as the Secretary may have under cooperative agreements entered into under section 670c–1 of this title” before period at end of first sentence.

1988—Subsecs. (b), (c). Pub. L. 100–653 substituted “1988, 1989, 1990, 1991, 1992, and 1993” for “and 1988”.

1986—Subsec. (a). Pub. L. 99–561, § 3(b), inserted provision that all funds collected remain available until expended.

Subsecs. (b), (c). Pub. L. 99–561, § 1(a), substituted “1985, 1986, 1987, and 1988” for “and 1985”.

1982—Subsecs. (b), (c). Pub. L. 97–396, § 2(1), substituted “1983, 1984, and 1985,” for “ending September 30, 1979, September 30, 1980, and September 30, 1981,” wherever appearing.

Subsec. (d). Pub. L. 97–396, § 2(2), added subsec. (d).

TITLE 16 - CHAPTER 5C - SUBCHAPTER II
CONSERVATION PROGRAMS ON PUBLIC LANDS

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

1978—Subsec. (b). Pub. L. 95–420 substituted provisions authorizing the appropriation of not to exceed \$1,500,000 for each of the fiscal years ending Sept. 30, 1979, 1980 and 1981 for provisions authorizing the appropriation of not to exceed \$500,000 per fiscal year for fiscal years beginning July 1, 1969, 1970, and 1971 and not to exceed \$1,500,000 for fiscal year beginning July 1, 1972 and for each of the next five fiscal years thereafter and struck out provisions relating to the authorization of appropriations to the Secretary of the Interior not to exceed \$2,000,000 for the fiscal year beginning July 1, 1973 and for each of the next four fiscal years thereafter to enable the Secretary to carry out the functions and responsibilities under cooperative plans, sums appropriated under this subchapter to be available until expended.

Subsec. (c). Pub. L. 95–420 added subsec. (c).

1974—Subsec. (a). Pub. L. 93–452, § 3(5), substituted “sections 101 and 102” for “sections 1 and 2” which for purposes of codification was translated as “sections 670a and 670b”, therefore requiring no change in text because of redesignation of former sections 1 and 2 of Pub. L. 86–797 by section 3(1) of Pub. L. 93–452.

Subsec. (b). Pub. L. 93–452, §§ 1(2), 3 (4), inserted provisions authorizing appropriations of not to exceed \$1,500,000 for the fiscal year beginning July 1, 1972, and for each of the next five fiscal years thereafter, and authorizing appropriations to the Secretary of the Interior not to exceed \$2,000,000 for the fiscal year beginning July 1, 1973, and for each of the next four fiscal years thereafter, and substituted “title” for “Act” wherever appearing, which for purposes of codification was translated as “subchapter”.

SUBCHAPTER II—CONSERVATION PROGRAMS ON PUBLIC LANDS

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§ 670g. 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 670h 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 subsection (a) of this section 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.

(Pub. L. 86–797, title II, § 201, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1369; amended Pub. L. 97–396, § 3, Dec. 31, 1982, 96 Stat. 2005; Pub. L. 112–81, div. A, title III, § 312(b)(7), Dec. 31, 2011, 125 Stat. 1354.)

Amendments

2011—Pub. L. 112–81 inserted section catchline and headings for subsecs. (a) and (b).

1982—Subsec. (a). Pub. L. 97–396 inserted “of fish, wildlife, and plants” after “species”.

Transfer of Functions

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

Desert Tortoise Plan

Pub. L. 100–275, § 12, Mar. 31, 1988, 102 Stat. 60, directed Secretary of the Interior to review status of populations of desert tortoises on lands in Nevada and other States managed by Secretary, other than lands conveyed or leased pursuant to Pub. L. 100–275, assess nature and extent of threats to continued health or stability of such populations on such lands, and prepare a comprehensive plan to address such threats, with Secretary to consult with State officials, other Federal agencies responsible for management of lands where desert tortoise populations are located, the Desert Tortoise Council, and other persons or groups identified by Secretary as having expertise relevant to requirements of this section; such review and assessment to be completed and results to be made available to the public and transmitted to certain committees of Congress no later than two years after Mar. 31, 1988, and such plan to be developed and transmitted to such committees no later than three years after Mar. 31, 1988; with a failure by Secretary to transmit such report within such three-year period not to relieve the Secretary from requirement to prepare such plan.

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§ 670h. 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 Secretary of Agriculture shall do the same in connection with public land under his jurisdiction.

(2) The Secretary of the Interior shall develop, with the prior written approval of the Atomic Energy Commission, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under the jurisdiction of the Chairman and develop, with the prior written approval of the Administrator, a comprehensive plan for such programs to be implemented on public land under the jurisdiction of the Administrator. Each such plan shall be developed after the Secretary of the Interior makes, with the prior written approval of the Chairman or the Administrator, as the case may be, and in consultation with the State agencies, necessary studies and surveys of the land concerned to determine where conservation and rehabilitation programs are most needed.

(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) Each State agency may enter into a cooperative agreement with—

(A) the Secretary of the Interior with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land which is under his jurisdiction;

(B) the Secretary of Agriculture with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land which is under his jurisdiction; and

(C) the Secretary of the Interior and the Chairman or the Administrator, as the case may be, with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land under the jurisdiction of the Chairman or the Administrator; except that before entering into any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before entering into any cooperative agreement which affects public lands under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

Conservation and rehabilitation programs developed and implemented pursuant to this subchapter shall be deemed as supplemental to wildlife, fish, and game-related programs conducted by the Secretary of the Interior and the Secretary of Agriculture pursuant to other provisions of law. Nothing in this subchapter shall be construed as limiting the authority of the Secretary of the Interior or the Secretary of Agriculture, as the case may be, to manage the national forests or other public lands for wildlife and fish and other purposes in accordance with the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528–531) or other applicable authority.

(2) Any conservation and rehabilitation program included within a cooperative agreement entered into under this subsection may be modified in a manner mutually agreeable to the State agency and the Secretary concerned (and the Chairman or the Administrator, as the case may be, if public land under his jurisdiction is involved). Before modifying any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before modifying any cooperative agreement which affects public land under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

(3) Each cooperative agreement entered into under this subsection shall—

- (A) specify those areas of public land within the State on which conservation and rehabilitation programs will be implemented;
- (B) provide for fish and wildlife habitat improvements or modifications, or both;
- (C) provide for range rehabilitation where necessary for support of wildlife;
- (D) provide adequate protection for fish and wildlife officially classified as threatened or endangered pursuant to section 1533 of this title or considered to be threatened, rare, or endangered by the State agency;
- (E) require the control of off-road vehicle traffic;
- (F) if the issuance of public land area management stamps is agreed to pursuant to section 670i (a) of this title—
 - (i) contain such terms and conditions as are required under section 670i (b) of this title;
 - (ii) require the maintenance of accurate records and the filing of annual reports by the State agency to the Secretary of the Interior or the Secretary of Agriculture, or both, as the case may be, setting forth the amount and disposition of the fees collected for such stamps; and
 - (iii) authorize the Secretary concerned and the Comptroller General of the United States, or their authorized representatives, to have access to such records for purposes of audit and examination; and
- (G) contain such other terms and conditions as the Secretary concerned and the State agency deem necessary and appropriate to carry out the purposes of this subchapter.

A cooperative agreement may also provide for arrangements under which the Secretary concerned may authorize officers and employees of the State agency to enforce, or to assist in the enforcement of, section 670j (a) of this title.

(4) Except where limited under a comprehensive plan or pursuant to cooperative agreement, hunting, fishing, and trapping shall be permitted with respect to resident fish and wildlife in accordance with applicable laws and regulations of the State in which such land is located on public land which is the subject of a conservation and rehabilitation program implemented under this subchapter.

(5) The Secretary of the Interior and the Secretary of Agriculture, as the case may be, shall prescribe such regulations as are deemed necessary to control, in a manner consistent with the applicable comprehensive plan and cooperative agreement, the public use of public land which is the subject of any conservation and rehabilitation program implemented by him under this subchapter.

(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 chapter 63 of title 31 applies.

(Pub. L. 86–797, title II, § 202, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1369; amended Pub. L. 97–396, § 4, Dec. 31, 1982, 96 Stat. 2005; Pub. L. 112–81, div. A, title III, § 312(b)(8), Dec. 31, 2011, 125 Stat. 1354.)

References in Text

The Multiple-Use Sustained-Yield Act of 1960, referred to in subsec. (c)(1), is Pub. L. 86–517, June 12, 1960, 74 Stat. 215, which is classified generally to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables.

Codification

In subsec. (d), “chapter 63 of title 31” substituted for “the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)” on authority of Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

Amendments

2011—Pub. L. 112–81 inserted section catchline and headings for subsecs. (a) to (d).

1982—Subsec. (d). Pub. L. 97–396 added subsec. (d).

Transfer of Functions

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

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§ 670i. 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 subchapter 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 subchapter 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) Such stamps shall be issued, sold, and the fees therefor collected, by the State agency or by the authorized agents of such agency.
- (2) Notice of the requirement to possess such stamps shall be displayed prominently in all places where State hunting, trapping, or fishing licenses are sold. To the maximum extent practicable, the sale of such stamps shall be combined with the sale of such State hunting, trapping, and fishing licenses.
- (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 subchapter 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.
- (4) The purchase of any such stamp shall entitle the purchaser thereof to hunt, trap, and fish on any public land within such State which is the subject of a conservation or rehabilitation program implemented under this subchapter except to the extent that the public use of such land is limited pursuant to a comprehensive plan or cooperative agreement; but the purchase of any such stamp shall not be construed as
 - (A) eliminating the requirement for the purchase of a migratory bird hunting stamp as set forth in section 718a of this title, or
 - (B) relieving the purchaser from compliance with any applicable State game and fish laws and regulations.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscript.html>).

(5) The amount of the fee to be charged for such stamps, the age at which the individual is required to acquire such a stamp, and the expiration date for such stamps shall be mutually agreed upon by the State agency and the Secretary or Secretaries concerned; except that each such stamp shall be void not later than one year after the date of issuance.

(6) Each such stamp must be validated by the purchaser thereof by signing his name across the face of the stamp.

(7) Any individual to whom a stamp is sold pursuant to this section shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior or the Department of Agriculture, or to any other person who is authorized to enforce section 670j (a) of this title.

(Pub. L. 86–797, title II, § 203, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1371; amended Pub. L. 100–653, title II, § 201, Nov. 14, 1988, 102 Stat. 3826; Pub. L. 112–81, div. A, title III, § 312(b)(9), Dec. 31, 2011, 125 Stat. 1354.)

Amendments

2011—Pub. L. 112–81 inserted section catchline and headings for subsections (a) and (b) and realigned margins of subsection (b)(3).

1988—Subsec. (b)(3). Pub. L. 100–653 amended par. (3) generally. Prior to amendment, par. (3) read as follows: “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 subchapter in the State concerned and for no other purpose. If such programs are implemented by both the Secretary of the Interior and the Secretary of Agriculture in the State, the Secretaries shall mutually agree, on such basis as they deem reasonable, on the proportion of such fees that shall be applied by the State agency to their respective programs.”

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§ 670j. Enforcement provisions

(a) Violations and penalties

(1) Any person who hunts, traps, or fishes on any public land which is subject to a conservation and rehabilitation program implemented under this subchapter without having on his person a valid public land management area stamp, if the possession of such a stamp is required, shall be fined not more than \$1,000, or imprisoned for not more than six months, or both.

(2) Any person who knowingly violates or fails to comply with any regulations prescribed under section 670h (c)(5) of this title shall be fined not more than \$500, or imprisoned not more than six months, or both.

(b) Enforcement powers and proceedings

(1) For the purpose of enforcing subsection (a) of this section, the Secretary of the Interior and the Secretary of Agriculture may designate any employee of their respective departments, and any State officer or employee authorized under a cooperative agreement to enforce subsection (a) of this section to

- (i) carry firearms;
- (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction;
- (iii) make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view;
- (iv) search without warrant or process any person, place, or conveyance as provided by law; and
- (v) seize without warrant or process any evidentiary item as provided by law.

(2) Upon the sworn information by a competent person, any United States 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.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

(3) Any person charged with committing any offense under subsection (a) of this section may be tried and sentenced by any United States 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.

(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.

(Pub. L. 86–797, title II, § 204, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1372; amended Pub. L. 112–81, div. A, title III, § 312(b)(10), (c), Dec. 31, 2011, 125 Stat. 1354, 1355.)

Amendments

2011—Pub. L. 112–81, § 312(b)(10), inserted section catchline and headings for subsecs. (a) to (d).

Subsec. (b)(2), (3). Pub. L. 112–81, § 312(c), substituted “magistrate judge” for “magistrate”.

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§ 670k. Definitions

As used in this subchapter—

- (1) The term “Administrator” means the Administrator of the National Aeronautics and Space Administration.
- (2) The term “Chairman” means the Chairman of the Atomic Energy Commission.
- (3) The term “off-road vehicle” means any motorized vehicle designed for, or capable of, cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; but such term does not include—
 - (A) any registered motorboat at the option of each State;
 - (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes; and
 - (C) any vehicle the use of which is expressly authorized by the Secretary of the Interior or the Secretary of Agriculture under a permit, lease, license, or contract.
- (4) The term “public land” means all lands, under the respective jurisdiction of the Secretary of the Interior, the Secretary of Agriculture, the Chairman, and the Administrator, except land which is, or hereafter may be, within or designated as—
 - (A) a military reservation;
 - (B) a unit of the National Park System;
 - (C) an area within the national wildlife refuge system;
 - (D) an Indian reservation; or

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NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

(E) an area within an Indian reservation or land held in trust by the United States for an Indian or Indian tribe.

(5) The term “State agency” means the agency or agencies of a State responsible for the administration of the fish and game laws of the State.

(6) The term “conservation and rehabilitation programs” means to utilize those methods and procedures which are necessary to protect, conserve, and enhance wildlife, fish, and game resources to the maximum extent practicable on public lands subject to this subchapter consistent with any overall land use and management plans for the lands involved. Such methods and procedures shall include, but shall not be limited to, all activities associated with scientific resources management such as protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking in conformance with the provisions of this subchapter. Nothing in this term shall be construed as diminishing the authority or jurisdiction of the States with respect to the management of resident species of fish, wildlife, or game, except as otherwise provided by law.

(Pub. L. 86–797, title II, § 205, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1373; amended Pub. L. 112–81, div. A, title III, § 312(b)(11), Dec. 31, 2011, 125 Stat. 1355.)

Amendments

2011—Pub. L. 112–81 inserted section catchline.

Transfer of Functions

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

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§ 670l. Stamp requirements not applicable to Forest Service and Bureau of Land Management lands; authorized fees

Notwithstanding any other provision in this subchapter, section 670i 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 subchapter in the State concerned and for no other purpose.

(Pub. L. 86–797, title II, § 206, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1374; amended Pub. L. 112–81, div. A, title III, § 312(b)(12), Dec. 31, 2011, 125 Stat. 1355.)

Amendments

2011—Pub. L. 112–81 inserted section catchline.

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§ 670m. Indian rights; State or Federal jurisdiction regulating Indian rights

Nothing in this subchapter 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.

(Pub. L. 86–797, title II, § 207, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1374; amended Pub. L. 112–81, div. A, title III, § 312(b)(13), Dec. 31, 2011, 125 Stat. 1355.)

Amendments

2011—Pub. L. 112–81 inserted section catchline.

§ 670n. Repealed. Pub. L. 112–81, div. A, title III, § 312(d), Dec. 31, 2011, 125 Stat. 1355

Section, Pub. L. 86–797, title II, § 208, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1374, related to the jurisdiction, authority, duties, or activities of the Joint Federal-State Land Use Planning Commission.

§ 670o. 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 subchapter, 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 1748 of title 43, 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 subchapter. 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 Agriculture 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 subchapter.

(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 670h of this title without regard to division C (except sections 3302, 3307 (e), 3501 (b), 3509, 3901, 3905, 3906, 4710, and 4711) of subtitle I of title 41. Contract authority provided in this section is effective only to such extent or in such amounts as are provided in appropriation Acts.

(Pub. L. 86–797, title II, § 208, formerly § 209, as added Pub. L. 93–452, § 2, Oct. 18, 1974, 88 Stat. 1374; amended Pub. L. 95–420, § 3, Oct. 5, 1978, 92 Stat. 921; Pub. L. 97–396, § 5, Dec. 31, 1982, 96 Stat. 2005; Pub. L. 99–561, § 1(b), Oct. 27, 1986, 100 Stat. 3149; Pub. L. 100–653, title II, § 202(b), Nov. 14, 1988, 102 Stat. 3827; Pub. L. 105–85, div. B, title XXIX, § 2914(b), Nov. 18, 1997, 111 Stat. 2023; renumbered § 208 and amended Pub. L. 112–81, div. A, title III, § 312(b)(14), (d), Dec. 31, 2011, 125 Stat. 1355.)

References in Text

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in subsec. (b), is Pub. L. 93–378, Aug. 17, 1974, 88 Stat. 476, which is classified generally to subchapter I (§ 1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

Codification

In subsec. (d), “division C (except sections 3302, 3307 (e), 3501 (b), 3509, 3901, 3905, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “title III (other than section 304) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251–260)” on authority of Pub. L. 111–350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Prior Provisions

A prior section 208 of Pub. L. 86–797 was classified to section 670n of this title prior to repeal by Pub. L. 112–81, div. A, title III, § 312(d), Dec. 31, 2011, 125 Stat. 1355.

Amendments

2011—Pub. L. 112–81, § 312(b)(14), inserted section catchline and headings for subsecs. (a) to (d).

1997—Subsec. (a). Pub. L. 105–85, § 2914(b)(1), substituted “\$4,000,000 for each of fiscal years 1998 through 2003,” for “the sum of \$10,000,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993,”.

Subsec. (b). Pub. L. 105–85, § 2914(b)(2), substituted “\$5,000,000 for each of fiscal years 1998 through 2003,” for “the sum of \$12,000,000 for each of the fiscal years 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, and 1993,”.

1988—Subsecs. (a), (b). Pub. L. 100–653 substituted “1988, 1989, 1990, 1991, 1992, and 1993” for “and 1988”.

1986—Subsecs. (a), (b). Pub. L. 99–561 substituted “1985, 1986, 1987, and 1988” for “and 1985”.

1982—Subsecs. (a), (b). Pub. L. 97–396, § 5(1), substituted “1983, 1984, and 1985,” for “ending September 30, 1979, September 30, 1980, and September 30, 1981,” wherever appearing.

Subsecs. (c), (d). Pub. L. 97–396, § 5(2), added subsecs. (c) and (d).

1978—Subsec. (a). Pub. L. 95–420 substituted provisions authorizing appropriation of \$10,000,000 for each of fiscal years ending Sept. 30, 1979, 1980, and 1981 to enable the Secretary to carry out his functions, including data collection, research, planning, and conservation and rehabilitation programs, such funds to be in addition to those authorized for wildlife, range, soil and water management pursuant to section 1748 of title 43, for provisions authorizing appropriation of \$10,000,000 for fiscal year ending June 30, 1974, and for each of next four fiscal years to enable Department of the Interior to carry out its functions.

Subsec. (b). Pub. L. 95–420 substituted provisions authorizing appropriation of \$12,000,000 for fiscal years ending Sept. 30, 1979, 1980, and 1981 to enable Secretary of Agriculture to carry out his functions, such funds to be in addition to those otherwise provided, and provisions relating to fish and wildlife program needs including those identified in State plans developed pursuant to Forest and Rangeland Renewable Resources Planning Act of 1974, for provisions authorizing appropriation of \$10,000,000 for fiscal year ending June 30, 1974, and for each of next four fiscal years to enable Department of Agriculture to carry out its functions.