

## Calendar No. 248

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**H. R. 2188****[Report No. 111-111]**

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IN THE SENATE OF THE UNITED STATES

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Public Works

DECEMBER 21 (legislative day, DECEMBER 20), 2009

Reported by Mrs. BOXER, without amendment

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**AN ACT**

To authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes.

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

3 **SECTION 1. SHORT TITLES.**

4 This Act may be cited as the “Joint Ventures for  
5 Bird Habitat Conservation Act of 2009”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that—

3 (1) migratory birds are of great ecological and  
4 economic value to the Nation, contributing to bio-  
5 logical diversity, advancing the well-being of human  
6 communities through pollination, seed dispersal, and  
7 other ecosystem services, and bringing tremendous  
8 enjoyment to the tens of millions of Americans who  
9 study, watch, feed, or hunt these birds;

10 (2) sustainable populations of migratory birds  
11 depend on the conservation, protection, restoration,  
12 and enhancement of terrestrial, wetland, marine,  
13 and other aquatic habitats throughout their ranges  
14 in the United States, as well as the rest of North  
15 America, the Caribbean, and Central and South  
16 America;

17 (3) birds are good indicators of environmental  
18 health and provide early warning of the impacts of  
19 environmental change, helping to yield the most out  
20 of every dollar invested in conservation;

21 (4) human and environmental stressors are  
22 causing the decline of populations of many migra-  
23 tory bird species, many of them once common, and  
24 climate change will exacerbate the impacts of these  
25 stressors on migratory bird populations;

1           (5) the coordination of Federal, State, tribal,  
2           and local government natural resource conservation  
3           efforts and the formation of partnerships that in-  
4           clude a diversity of nongovernmental conservation  
5           organizations, private landowners, and other relevant  
6           stakeholders is necessary to accomplish the conserva-  
7           tion of migratory bird populations, their habitats,  
8           and the ecosystem functions they rely on;

9           (6) hunters, through their purchase of Federal  
10          migratory bird hunting stamps and State hunting li-  
11          censes, have long supported the conservation of mi-  
12          gratory birds and their habitats in the United States  
13          through the various State and Federal programs  
14          that are supported by the fees charged for such pur-  
15          chases;

16          (7) the Department of the Interior, through the  
17          United States Fish and Wildlife Service, is author-  
18          ized under a number of broad statutes to undertake  
19          many activities with partners to conserve natural re-  
20          sources, including migratory birds and their habitat;

21          (8) through these authorities, the Service has  
22          created and supported a number of joint ventures  
23          with diverse partners to help protect, manage, en-  
24          hance, and restore migratory bird habitat through-

1 out much of the United States and to conserve mi-  
2 gratory bird species;

3 (9) the North American Waterfowl Manage-  
4 ment Plan, adopted by the United States and Can-  
5 ada in 1986, with Mexico joining as a signatory in  
6 1994, was the first truly landscape-level approach to  
7 conserving migratory game birds and the wetland  
8 habitats on which they depend, and became the  
9 foundation for the voluntary formation of Joint Ven-  
10 tures;

11 (10) since the adoption of the North American  
12 Waterfowl Management Plan, joint ventures have ex-  
13 panded their application to all native birds and other  
14 wildlife species that depend on wetlands and associ-  
15 ated upland habitats, resulting in significant con-  
16 servation benefits over the last 20 years;

17 (11) States possess broad trustee and manage-  
18 ment authority over fish and wildlife resources with-  
19 in their borders, and have utilized their authorities  
20 to undertake conservation programs to conserve resi-  
21 dent and migratory birds and their habitats;

22 (12) consistent with applicable Federal and  
23 State laws, the Federal Government and the States  
24 each have management responsibilities affecting fish

1 and wildlife resources, and should work cooperatively  
2 in fulfilling these responsibilities;

3 (13) other domestic and international conserva-  
4 tion projects authorized under the Neotropical Mi-  
5 gratory Bird Conservation Act (16 U.S.C. 6101 et  
6 seq.) and the North American Wetlands Conserva-  
7 tion Act (16 U.S.C. 4401 et seq.), and additional  
8 bird conservation projects authorized under other  
9 Federal authorities, can expand and increase the ef-  
10 fectiveness of the joint ventures in protecting and  
11 enhancing migratory bird habitats throughout the  
12 different ranges of species native to the United  
13 States; and

14 (14) the voluntary partnerships fostered by  
15 these joint ventures have served as innovative models  
16 for cooperative and effective landscape conservation,  
17 with far-reaching benefits to other fish and wildlife  
18 populations, and similar joint ventures should be au-  
19 thorized specifically to reinforce the importance and  
20 multiple benefits of these models to encourage  
21 adaptive resource management and the implementa-  
22 tion of flexible conservation strategies in the 21st  
23 century.

24 (b) PURPOSE.—The purpose of this Act is to estab-  
25 lish a program administered by the Director, in coordina-

1 tion with other Federal agencies with management author-  
2 ity over fish and wildlife resources and the States, to de-  
3 velop, implement, and support innovative, voluntary, coop-  
4 erative, and effective conservation strategies and conserva-  
5 tion actions to—

6 (1) promote, primarily, sustainable populations  
7 of migratory birds, and, secondarily, the fish and  
8 wildlife species associated with their habitats;

9 (2) encourage stakeholder and government  
10 partnerships consistent with the goals of protecting,  
11 improving, and restoring habitat;

12 (3) establish, implement, and improve science-  
13 based migratory bird conservation plans and pro-  
14 mote and facilitate broader landscape-level conserva-  
15 tion of fish and wildlife habitat; and

16 (4) coordinate related conservation activities of  
17 the Service and other Federal agencies to maximize  
18 the efficient and effective use of funds appropriated  
19 or otherwise made available to support projects and  
20 activities to enhance bird populations and other pop-  
21 ulations of fish and wildlife and their habitats.

22 **SEC. 3. DEFINITIONS.**

23 In this Act:

24 (1) CONSERVATION ACTION.—The term “con-  
25 servation action” means activities that—

1           (A) support the protection, restoration,  
2           adaptive management, conservation, or en-  
3           hancement of migratory bird populations, their  
4           terrestrial, wetland, marine, or other habitats,  
5           and other wildlife species supported by those  
6           habitats, including—

7                   (i) biological and geospatial planning;

8                   (ii) landscape and conservation de-  
9                   sign;

10                  (iii) habitat protection, enhancement,  
11                  and restoration;

12                  (iv) monitoring and tracking;

13                  (v) applied research; and

14                  (vi) public outreach and education;

15           (B) are conducted on lands or waters  
16           that—

17                   (i) are administered for the long-term  
18                   conservation of such lands or waters and  
19                   the migratory birds thereon, including the  
20                   marine environment; or

21                   (ii) are not primarily held or managed  
22                   for conservation but provide habitat value  
23                   for migratory birds; and

24           (C) incorporate adaptive management and  
25           science-based monitoring, where applicable, to

1 improve outcomes and ensure efficient and ef-  
2 fective use of Federal funds.

3 (2) DIRECTOR.—The term “Director” means  
4 the Director of the United States Fish and Wildlife  
5 Service.

6 (3) IMPLEMENTATION PLAN.—The term “Im-  
7 plementation Plan” means an Implementation Plan  
8 approved by the Director under section 5.

9 (4) INDIAN TRIBE.—The term “Indian tribe”  
10 has the meaning given that term in section 4 of the  
11 Indian Self-Determination and Education Assistance  
12 Act (25 U.S.C. 450b).

13 (5) JOINT VENTURE.—The term “Joint Ven-  
14 ture” means a self-directed, voluntary partnership,  
15 established and conducted in accordance with section  
16 5.

17 (6) MANAGEMENT BOARD.—The term “Man-  
18 agement Board” means a Joint Venture Manage-  
19 ment Board established in accordance with section  
20 5.

21 (7) MIGRATORY BIRDS.—The term “migratory  
22 birds” means those species included in the list of mi-  
23 gratory birds that appears in section 10.13 of title  
24 50, Code of Federal Regulations, under the author-  
25 ity of the Migratory Bird Treaty Act.



1           (8) PROGRAM.—The term “Program” means  
2           the Joint Ventures Program conducted in accord-  
3           ance with this Act.

4           (9) SECRETARY.—The term “Secretary” means  
5           the Secretary of the Interior.

6           (10) SERVICE.—The term “Service” means the  
7           United States Fish and Wildlife Service.

8           (11) STATE.—The term “State” means—

9                   (A) any State of the United States, the  
10                  District of Columbia, the Commonwealth of  
11                  Puerto Rico, Guam, the Virgin Islands, Amer-  
12                  ican Samoa, and the Commonwealth of the  
13                  Northern Mariana Islands; and

14                   (B) one or more agencies of a State gov-  
15                  ernment responsible under State law for man-  
16                  aging fish or wildlife resources.

17 **SEC. 4. JOINT VENTURES PROGRAM.**

18           (a) IN GENERAL.—The Secretary shall conduct,  
19           through the United States Fish and Wildlife Service, a  
20           Joint Ventures Program administered by the Director.  
21           The Director, through the Program, shall develop an ad-  
22           ministrative framework for the approval and establish-  
23           ment and implementation of Joint Ventures, that—

1           (1) provides financial and technical assistance  
2 to support regional migratory bird conservation part-  
3 nerships;

4           (2) develops and implements plans to protect  
5 and enhance migratory bird populations throughout  
6 their range, that are focused on regional landscapes  
7 and habitats that support those populations;

8           (3) complements and supports activities by the  
9 Secretary and the Director to fulfill obligations  
10 under—

11                   (A) the Migratory Bird Treaty Act (16  
12 U.S.C. 701 et seq.);

13                   (B) the Migratory Bird Conservation Act  
14 (16 U.S.C. 715 et seq.);

15                   (C) the Neotropical Migratory Bird Con-  
16 servation Act (16 U.S.C. 6101 et seq.);

17                   (D) the North American Wetlands Con-  
18 servation Act (16 U.S.C. 4401 et seq.);

19                   (E) the Fish and Wildlife Conservation Act  
20 of 1980 (16 U.S.C. 2901 et seq.); and

21                   (F) the Partners for Fish and Wildlife Act  
22 (16 U.S.C. 3771 et seq.); and

23           (4) support the goals and objectives of—

24                   (A) the North American Waterfowl Man-  
25 agement Plan;

1 (B) the United States Shorebird Conserva-  
2 tion Plan;

3 (C) the North American Waterbird Con-  
4 servation Plan;

5 (D) the Partners in Flight North Amer-  
6 ican Landbird Conservation Plan; and

7 (E) other treaties, conventions, agree-  
8 ments, or strategies entered into by the United  
9 States and implemented by the Secretary that  
10 promote the conservation of migratory bird pop-  
11 ulations and their habitats.

12 (b) GUIDELINES.—Within 180 days after the date of  
13 enactment of this Act the Secretary, through the Director,  
14 shall publish in the Federal Register guidelines for the im-  
15 plementation of this Act, including regarding requirements  
16 for approval of proposed Joint Ventures and administra-  
17 tion, oversight, coordination among, and evaluation of ap-  
18 proved Joint Ventures.

19 (c) COORDINATION WITH STATES.—In the adminis-  
20 tration of the program authorized under this section, the  
21 Director shall coordinate and cooperate with the States  
22 to fulfill the purposes of this Act.

23 **SEC. 5. JOINT VENTURE ESTABLISHMENT AND ADMINIS-**  
24 **TRATION.**

25 (a) ESTABLISHMENT.—

1           (1) IN GENERAL.—The Director, through the  
2 Program, may enter into an agreement with eligible  
3 partners described in paragraph (2) to establish a  
4 Joint Venture to fulfill one or more of the purposes  
5 set forth in paragraphs (1) through (3) of section  
6 2(b).

7           (2) ELIGIBLE PARTNERS.—The eligible part-  
8 ners referred to in paragraph (1) are the following:

9                   (A) Federal and State agencies with juris-  
10 diction over migratory bird resources, their  
11 habitats, or that implement program activities  
12 that affect migratory bird habitats or the eco-  
13 systems they rely on.

14                   (B) Affected regional, local, and tribal gov-  
15 ernments, private landowners, land managers,  
16 and other private stakeholders.

17                   (C) Nongovernmental organizations with  
18 expertise in bird conservation or fish and wild-  
19 life conservation or natural resource and land-  
20 scape management generally.

21                   (D) Other relevant stakeholders.

22 (b) MANAGEMENT BOARD.—

23           (1) IN GENERAL.—An agreement under this  
24 section for a Joint Venture shall establish a Manage-  
25 ment Board in accordance with this subsection.

1           (2) MEMBERSHIP.—The Management Board  
2 shall include a diversity of members representing  
3 stakeholder interests from the appropriate geo-  
4 graphic region, including, as appropriate, representa-  
5 tives from the Service and other Federal agencies  
6 that have management authority over fish and wild-  
7 life resources on public lands or in the marine envi-  
8 ronment, or that implement programs that affect  
9 migratory bird habitats, and representatives from  
10 the States, and may include—

11           (A) regional governments and Indian  
12 tribes;

13           (B) academia or the scientific community;

14           (C) nongovernmental landowners or land  
15 managers;

16           (D) nonprofit conservation or other rel-  
17 evant organizations with expertise in migratory  
18 bird conservation, or in fish and wildlife con-  
19 servation generally; and

20           (E) private organizations with a dedicated  
21 interest in conserving migratory birds and their  
22 habitats.

23           (3) FUNCTIONS AND RESPONSIBILITIES.—

24           (A) ORGANIZATION AND OPERATIONS  
25 PLAN.—A Management Board, in accordance

1 with the guidelines published by the Director  
2 under section 4 and in coordination with the  
3 Director, shall develop, publish, and comply  
4 with a plan that specifies the organizational  
5 structure of the Joint Venture and prescribes  
6 its operational practices and procedures.

7 (B) ADMINISTRATION.—Subject to applica-  
8 ble Federal and State law, the Management  
9 Board shall manage the personnel and oper-  
10 ations of the Joint Venture, including—

11 (i) by appointing a coordinator for the  
12 Joint Venture in consultation with the Di-  
13 rector, to manage the daily and long-term  
14 operations of the Joint Venture;

15 (ii) approval of other full- or part-time  
16 administrative and technical non-Federal  
17 employees as the Management Board de-  
18 termines necessary to perform the func-  
19 tions of the Joint Venture, meet objectives  
20 specified in the Implementation Plan, and  
21 fulfill the purpose of this Act; and

22 (iii) establishment of committees,  
23 steering groups, focus groups, geographic  
24 or taxonomic groups, or other organiza-

1                    tional entities to assist in implementing the  
2                    relevant Implementation Plan.

3                    (4) USE OF SERVICE AND FEDERAL AGENCY  
4                    EMPLOYEES.—Subject to the availability of appro-  
5                    priations and upon the request from a Management  
6                    Board, and after consultation with and approval of  
7                    the Director, the head of any Federal agency may  
8                    detail to the Management Board, on a reimbursable  
9                    or nonreimbursable basis, any agency personnel to  
10                    assist the Joint Venture in performing its functions  
11                    under this Act.

12                    (c) IMPLEMENTATION PLAN.—

13                    (1) SUBMISSION OF PLAN TO DIRECTOR.—Be-  
14                    fore the Director enters into an agreement to estab-  
15                    lish a Joint Venture under subsection (a), the Man-  
16                    agement Board for the Joint Venture shall submit  
17                    to the Director a proposed Implementation Plan that  
18                    shall contain, at a minimum, the following elements:

19                    (A) A strategic framework for migratory  
20                    bird conservation that includes biological plan-  
21                    ning; conservation design; habitat restoration,  
22                    protection, and enhancement; applied research;  
23                    and monitoring and evaluation activities.

1 (B) Provisions for effective communication  
2 among member participants within the Joint  
3 Venture.

4 (C) A long-term strategy to conduct public  
5 outreach and education regarding the purposes  
6 and activities of the Joint Venture and activi-  
7 ties to regularly communicate to the general  
8 public information generated by the Joint Ven-  
9 ture.

10 (D) Coordination with laws and conserva-  
11 tion plans referred to in section 4(a)(3) and (4)  
12 that are relevant to migratory birds, and other  
13 relevant regional, national, or international ini-  
14 tiatives identified by the Director to conserve  
15 migratory birds, their habitats, ecological func-  
16 tions, and associated populations of fish and  
17 wildlife.

18 (E) An organizational plan that—

19 (i) identifies the initial membership of  
20 the Management Board and establishes  
21 procedures for updating the membership of  
22 the Management Board as appropriate;

23 (ii) describes the organizational struc-  
24 ture of the Joint Venture, including pro-  
25 posed committees and subcommittees, and



1                   procedures for revising and updating the  
2                   structure, as necessary; and

3                   (iii) provides a strategy to increase  
4                   stakeholder participation or membership in  
5                   the Joint Venture.

6                   (F) Procedures to coordinate the develop-  
7                   ment, implementation, oversight, monitoring,  
8                   tracking, and reporting of conservation actions  
9                   approved by the Management Board and an  
10                  evaluation process to determine overall effec-  
11                  tiveness of activities undertaken by the Joint  
12                  Venture.

13                  (G) A strategy to encourage the contribu-  
14                  tion of non-Federal financial resources, dona-  
15                  tions, gifts and in-kind contributions to support  
16                  the objectives of the Joint Venture and fulfill-  
17                  ment of the Implementation Plan.

18                  (2) REVIEW.—The Director shall—

19                         (A) coordinate the review of a proposed  
20                         Implementation Plan submitted under this sec-  
21                         tion; and

22                         (B) ensure that such plan is circulated for  
23                         review for a period not to exceed 90 days, to—

1 (i) bureaus within the Service and  
2 other appropriate bureaus or agencies  
3 within the Department of the Interior;

4 (ii) appropriate regional migratory  
5 bird Flyway Councils;

6 (iii) national and international boards  
7 that oversee bird conservation initiatives  
8 under the plans specified in section  
9 4(a)(4);

10 (iv) relevant State agencies, regional  
11 governmental entities, and Indian tribes;

12 (v) nongovernmental conservation or-  
13 ganizations, academic institutions, or other  
14 stakeholders engaged in existing Joint  
15 Ventures that have knowledge or expertise  
16 of the geographic or ecological scope of the  
17 Joint Venture; and

18 (vi) other relevant stakeholders con-  
19 sidered necessary by the Director to ensure  
20 a comprehensive review of the proposed  
21 Implementation Plan.

22 (3) APPROVAL.—The Director shall approve an  
23 Implementation Plan submitted by the Management  
24 Board for a Joint Venture if the Director finds  
25 that—

1 (A) the plan provides for implementation  
2 of conservation actions to conserve waterfowl  
3 and other native migratory birds and their  
4 habitats and ecosystems either—

5 (i) in a specific geographic area of the  
6 United States; or

7 (ii) across the range of a specific spe-  
8 cies or similar group of like species;

9 (B) the members of the Joint Venture—

10 (i) accept the responsibility for imple-  
11 mentation of national or international bird  
12 conservation plans in the region of the  
13 United States to which the plan applies;  
14 and

15 (ii) have demonstrated to the satisfac-  
16 tion of the Director the capacity to imple-  
17 ment conservation actions identified in the  
18 plan, including (I) the design, funding,  
19 monitoring, and tracking of conservation  
20 projects that advance the objectives of the  
21 Joint Venture; and (II) reporting and con-  
22 duct of public outreach regarding such  
23 projects; and

24 (C) the plan maximizes, to the extent prac-  
25 ticable, coordination with other relevant and ac-

1           tive conservation plans or programs within the  
2           geographic scope of the Joint Venture to con-  
3           serve, protect, recover, or restore migratory bird  
4           habitats and other fish and wildlife habitat  
5           within the operating region of the Joint Ven-  
6           ture.

7 **SEC. 6. GRANTS AND OTHER ASSISTANCE.**

8           (a) **IN GENERAL.**—Except as provided in subsection  
9 (b), and subject to the availability of appropriations, the  
10 Director may award grants of financial assistance to im-  
11 plement a Joint Venture through—

12           (1) support of the activities of the Management  
13 Board of the Joint Venture and to pay for necessary  
14 administrative costs and services, personnel, and  
15 meetings, travel, and other business activities; and

16           (2) support for specific conservation actions and  
17 other activities necessary to carry out the Implemen-  
18 tation Plan.

19           (b) **LIMITATION.**—A Joint Venture is not eligible for  
20 assistance or support authorized in this section unless the  
21 Joint Venture is operating under an Implementation Plan  
22 approved by the Director under section 5.

23           (c) **CONSERVATION ACTION GRANT CRITERIA.**—The  
24 Secretary, through the Director, within 180 days after  
25 date of enactment of this Act and after consultation with

1 representatives from Management Boards and equivalent  
2 entities of joint ventures referred to in section 8, shall  
3 publish guidelines for determining funding allocations  
4 among joint ventures and priorities for funding among  
5 conservation action proposals to meet the purpose of this  
6 Act and respective Implementation Plans.

7 (d) **MATCHING REQUIREMENTS.**—If a Management  
8 Board determines that two or more proposed conservation  
9 actions are of equal value toward fulfillment of the rel-  
10 evant Implementation Plan, priority shall be given to the  
11 action or actions for which there exist non-Federal match-  
12 ing contributions that are equal to or exceed the amount  
13 of Federal funds available for such action or actions.

14 (e) **TECHNICAL ASSISTANCE.**—The Secretary,  
15 through the Director, may provide technical and adminis-  
16 trative assistance for implementation of Joint Ventures  
17 and the expenditure of financial assistance under this sub-  
18 section.

19 (f) **ACCEPTANCE AND USE OF DONATIONS.**—The  
20 Secretary, through the Director, may accept and use dona-  
21 tions of funds, gifts, and in-kind contributions to provide  
22 assistance under this section.

23 **SEC. 7. REPORTING REQUIREMENTS.**

24 (a) **ANNUAL REPORTS BY MANAGEMENT BOARDS.**—

1           (1) IN GENERAL.—The Secretary, acting  
2 through the Director, shall—

3           (A) require each Management Board to  
4 submit annual reports for all approved Joint  
5 Ventures of the Management Board; and

6           (B) publish within 180 days after the date  
7 of enactment of this Act guidelines to imple-  
8 ment this subsection.

9           (2) CONTENTS.—Each annual report shall in-  
10 clude—

11           (A) a description and justification of all  
12 conservation actions approved and implemented  
13 by the Management Board during the period  
14 covered by the report;

15           (B) when appropriate based upon the goals  
16 and objectives of an Implementation Plan, an  
17 estimate of the total number of acres of migra-  
18 tory bird habitat either restored, protected, or  
19 enhanced as a result of such conservation ac-  
20 tions;

21           (C) the amounts and sources of Federal  
22 and non-Federal funding for such conservation  
23 actions;

24           (D) the amounts and sources of funds ex-  
25 pended for administrative and other expenses of

1 the Joint Venture of the Management Board,  
2 including all donations, gifts, and in-kind con-  
3 tributions provided for the Joint Venture;

4 (E) the status of progress made in achiev-  
5 ing the strategic framework of the Implementa-  
6 tion Plan of such Joint Venture and fulfillment  
7 of the purpose of this Act; and

8 (F) other elements considered necessary by  
9 the Director to insure transparency and ac-  
10 countability by Management Boards in the im-  
11 plementation of its responsibilities under this  
12 Act.

13 (b) JOINT VENTURE PROGRAM 5-YEAR REVIEWS.—

14 (1) IN GENERAL.—The Secretary, acting  
15 through the Director, shall at 5 years after the date  
16 of enactment of this Act and at 5-year intervals  
17 thereafter, complete an objective and comprehensive  
18 review and evaluation of the Program.

19 (2) REVIEW CONTENTS.—Each review under  
20 this subsection shall include—

21 (A) an evaluation of the effectiveness of  
22 the Program in meeting the purpose of this Act  
23 specified in section 2(b);

24 (B) an evaluation of all approved Imple-  
25 mentation Plans, especially the effectiveness of

1 existing conservation strategies, priorities, and  
2 methods to meet the objectives of such plans  
3 and fulfill the purpose of this Act; and

4 (C) recommendations to revise the Pro-  
5 gram or to amend or otherwise revise Imple-  
6 mentation Plans to ensure that activities under-  
7 taken pursuant to this Act address the effects  
8 of climate change on migratory bird populations  
9 and their habitats, and fish and wildlife habi-  
10 tats, in general.

11 (3) CONSULTATION.—The Secretary, acting  
12 through the Director, in the implementation of this  
13 subsection—

14 (A) shall consult with other appropriate  
15 Federal agencies with responsibility for the con-  
16 servation or management of fish and wildlife  
17 habitat and appropriate State agencies; and

18 (B) may consult with appropriate, Indian  
19 tribes, Flyway Councils, or regional conserva-  
20 tion organizations, public and private land-  
21 owners, members of academia and the scientific  
22 community, and other nonprofit conservation or  
23 private stakeholders.

24 (4) PUBLIC COMMENT.—The Secretary,  
25 through the Director, shall provide for adequate op-



1       portunities for general public review and comment of  
2       the Program as part of the 5-year evaluations con-  
3       ducted pursuant to this subsection.

4 **SEC. 8. TREATMENT OF EXISTING JOINT VENTURES.**

5       For purposes of this Act, the Director—

6           (1) shall treat as a Joint Venture any joint ven-  
7       ture recognized by the Director before the date of  
8       the enactment of this Act in accordance with the  
9       United States Fish and Wildlife Services manual  
10      (721FW6); and

11          (2) shall treat as an Implementation Plan an  
12      implementation plan adopted by the management  
13      board for such joint venture.

14 **SEC. 9. RELATIONSHIP TO OTHER AUTHORITIES.**

15      (a) **AUTHORITIES, ETC. OF SECRETARY.**—Nothing in  
16      this Act affects authorities, responsibilities, obligations, or  
17      powers of the Secretary under any other Act.

18      (b) **STATE AUTHORITY.**—Nothing in this Act pre-  
19      empts any provision or enforcement of a State statute or  
20      regulation relating to the management of fish and wildlife  
21      resources within such State.

22 **SEC. 10. FEDERAL ADVISORY COMMITTEE ACT.**

23      The Federal Advisory Committee Act (5 U.S.C. App.)  
24      shall not apply to any boards, committees, or other groups  
25      established under this Act.

Calendar No. 248

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2188**

[Report No. 111-111]

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## **AN ACT**

To authorize the Secretary of the Interior, through the United States Fish and Wildlife Service, to conduct a Joint Venture Program to protect, restore, enhance, and manage migratory bird populations, their habitats, and the ecosystems they rely on, through voluntary actions on public and private lands, and for other purposes.

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DECEMBER 21 (legislative day, DECEMBER 20), 2009

Reported without amendment