

and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

### CIVIL WAR BATTLEFIELD PRESERVATION ACT OF 2009

Mr. HOLT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 548) to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 548

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil War Battlefield Preservation Act of 2009".

#### SEC. 2. AMERICAN BATTLEFIELD PROTECTION PROGRAM.

The purpose of this Act is to assist citizens, public and private institutions, and governments at all levels in planning, interpreting, and protecting sites where historic battles were fought on American soil during the armed conflicts that shaped the growth and development of the United States, in order that present and future generations may learn and gain inspiration from the ground where Americans made their ultimate sacrifice.

#### SEC. 3. PRESERVATION ASSISTANCE.

(a) IN GENERAL.—Using the established national historic preservation program to the extent practicable, the Secretary of the Interior, acting through the American Battlefield Protection Program, shall encourage, support, assist, recognize, and work in partnership with citizens, Federal, State, local, and tribal governments, other public entities, educational institutions, and private nonprofit organizations in identifying, researching, evaluating, interpreting, and protecting historic battlefields and associated sites on a National, State, and local level.

(b) FINANCIAL ASSISTANCE.—To carry out subsection (a), the Secretary may use a cooperative agreement, grant, contract, or other generally adopted means of providing financial assistance.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$3,000,000 annually to carry out this section, to remain available until expended.

#### SEC. 4. BATTLEFIELD ACQUISITION GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) BATTLEFIELD REPORT.—The term "Battlefield Report" means the document entitled "Report on the Nation's Civil War Battlefields", prepared by the Civil War Sites Advisory Commission, and dated July 1993.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means a State or local government.

(3) ELIGIBLE SITE.—The term "eligible site" means a site—

(A) that is not within the exterior boundaries of a unit of the National Park System;

and (B) that is identified in the Battlefield Report.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the American Battlefield Protection Program.

(b) ESTABLISHMENT.—The Secretary shall establish a battlefield acquisition grant program under which the Secretary may provide grants to eligible entities to pay the Federal share of the cost of acquiring interests in eligible sites for the preservation and protection of those eligible sites.

(c) NONPROFIT PARTNERS.—An eligible entity may acquire an interest in an eligible site using a grant under this section in partnership with a nonprofit organization.

(d) NON-FEDERAL SHARE.—The non-Federal share of the total cost of acquiring an interest in an eligible site under this section shall be not less than 50 percent.

(e) LIMITATION ON LAND USE.—An interest in an eligible site acquired under this section shall be subject to section 6(f)(3) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–8(f)(3)).

(f) WILLING SELLERS.—Acquisitions of land and interests in land under this Act shall be limited to acquisitions, from willing sellers only, of conservation easements and fee-simple purchases of eligible sites.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to provide grants under this section \$10,000,000 for each of fiscal years 2009 through 2013.

#### SEC. 5. REPEAL.

This Act shall be repealed on September 30, 2019.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. HOLT. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HOLT. Madam Speaker, since its inception in 1996, the American Battlefield Protection Program has provided grants for preserving endangered battlefields of the Civil War, which are specifically not part of the National Park system.

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The program contains two components. The Battlefield Preservation Grants Program is designed to help State and local governments, private organizations and citizens protect battlefield sites.

The Battlefield Acquisition Grant Program provides matching funds to help State and local governments acquire and preserve battlefield sites. Together, these two programs have helped protect more than 15,000 acres at 72 Civil War battlefields. They have leveraged more than \$50 million in non-Federal funding for battlefield protection.

Madam Speaker, as we all know, several time-sensitive pieces of legislation

were caught up in the lengthy debate about public lands issues in the other body. Because of that delay, the original law for this program lapsed last September. H.R. 548 would restore this important program and authorize it through 2019.

As I said in connection with the previous bill on battlefields of the War of 1812 and the Revolution, preserving these historic sites is important not for looking back, but for looking forward, for knowing where we came from and where we are going, for knowing that we are a Nation conceived in liberty and dedicated on the proposition that all are equal. The lesson of the Civil War battlefields is a lesson for today's children, for tomorrow's children, for all citizens.

I commend our colleague, Representative GARY MILLER of California, for his leadership on this issue and his commitment to historic preservation.

I urge my colleagues to support passage of H.R. 548.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I yield myself such time as I may consume.

The American Civil War captures the imagination of people like no other event in our history. In bookstores, most shelves in the history section are devoted to events of the 1860s. On weekends, battles are re-enacted by serious hobbyists who strive for authenticity in costume, weaponry, and skirmish details. Pictures of Lincoln are found in countless homes and classrooms, Confederate flags adorn pick-up trucks, and the words of the Gettysburg Address are as familiar as the 23rd Psalm.

As a Nation, we clearly recognize the continuing importance of the War Between the States, so it is natural that we should try to find appropriate ways to keep safe the places where our great grandfathers witnessed events so noble and so horrific. But since our country is about liberty rather than glorification of the State, we have to safeguard not just the hills and the mud on which they fought, but also the freedoms for which they fought. Therefore, it would be tragic if we would allow our well-meaning enthusiasm for protecting historic sites to result in programs that diminish the property rights of our fellow citizens.

This bill has two important safeguards. First, a "willing seller" provision—and we need to make sure the seller's willingness is uncoerced. Second, a sunset provision so that Congress will have an opportunity to see if this program merits continued Federal support. The bill's author, Congressman GARY MILLER, is to be commended for including these good government provisions.

Madam Speaker, I reserve the balance of my time.

Mr. HOLT. Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. I thank the gentleman for yielding time.

This bill is about history, American history. And sometimes we forget our own history, no matter what it is. But if you recall, it all started in 1861, the War Between the States. And after the smoke cleared, there were 600,000 Americans from the North and from the South killed—250,000 from the South, 350,000 from the North, and many more died years later from wounds that they had received.

Many of those battles that took place took place in Virginia. One such battle was the Battle of the Wilderness on May 5–7 of 1864. In that battle, 145,000 troops from the Union and the South fought each other. Madam Speaker, that's the number of troops we have in all of Iraq. They assembled together in Orange County, near Fredericksburg, to do battle.

After that battle was over with, between 18,000 and 20,000 died in those 3 days of battle. And that is one of the areas that this bill would affect. It would help preserve the surrounding community to sellers that would willfully sell their land to help preserve the battlefield.

One such location near Fredericksburg is a location where the profit motive is moving in. None other than Wal-Mart wants to build a Wal-Mart on the very spot where Union troops assembled before that battle started. And this bill would help protect and preserve that location.

This bill is especially important to me and this battle is especially important to me because, although the casualties were great on both sides, the State of Vermont lost a great percentage of the soldiers from Vermont that fought in that battle. And being from Texas, Texas had the same result on the south; 86 percent of the Texans that went to battle in those 3 days were killed or wounded. And it would be important that battles such as the Battle of the Wilderness and all the other battles from the War Between the States be preserved for our heritage because history, Madam Speaker, is what we do in this country.

Mr. SMITH of Nebraska. Madam Speaker, I yield back the balance of my time.

Mr. HOLT. Madam Speaker, I thank the distinguished gentleman, my friend and colleague from Texas, for those eloquent remarks reminding us that this is not just for land preservation, it is for values preservation that we are supporting Mr. MILLER's bill. And I thank my colleagues also for recognizing the work that Mr. MILLER has put into this.

With that, I urge my colleagues to pass this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HOLT) that the House suspend the rules and pass the bill, H.R. 548, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HOLT. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

#### MARINE MAMMAL RESCUE ASSISTANCE AMENDMENTS OF 2009

Mr. HOLT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 844) to amend the provisions of law relating to the John H. Prescott Marine Mammal Rescue Assistance Grant Program, and for other purposes. The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 844

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Mammal Rescue Assistance Amendments of 2009".

#### SEC. 2. STRANDING AND ENTANGLEMENT RESPONSE.

(a) COLLECTION AND UPDATING OF INFORMATION.—Section 402(b)(1)(A) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a(b)(1)(A)) is amended by inserting "or entangled" after "stranded".

(b) ENTANGLEMENT RESPONSE AGREEMENTS.—

(1) IN GENERAL.—Section 403 of such Act (16 U.S.C. 1421b) is amended—

(A) by amending the section heading to read as follows:

"SEC. 403. STRANDING OR ENTANGLEMENT RESPONSE AGREEMENTS.;"

and

(B) in subsection (a) by inserting "or entanglement" before the period.

(2) CLERICAL AMENDMENT.—The table of contents at the end of the first section is amended by striking the item relating to section 403 and inserting the following:

"Sec. 403. Stranding or entanglement response agreements."

(c) LIABILITY.—Section 406(a) of such Act (16 U.S.C. 1421e(a)) is amended by inserting "or entanglement" after "stranding".

(d) ENTANGLEMENT DEFINED.—

(1) IN GENERAL.—Section 410 of such Act (16 U.S.C. 1421h) is amended—

(A) by redesignating paragraphs (1) through (6) in order as paragraphs (2) through (7); and

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) The term 'entanglement' means an event in the wild in which a living or dead marine mammal has gear, rope, line, net, or other material wrapped around or attached to it and is—

"(A) on a beach or shore of the United States; or

"(B) in waters under the jurisdiction of the United States."

(2) CONFORMING AMENDMENT.—Section 408(a)(2)(B)(i) of such Act (16 U.S.C. 1421f-1(a)(2)(B)(i)) is amended by striking "section 410(6)" and inserting "section 410(7)".

(e) JOHN H. PRESCOTT MARINE MAMMAL RESCUE ASSISTANCE GRANT PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS FOR GRANT PROGRAM.—Section 408(h) of such Act (16 U.S.C. 1421f-1(h)) is amended—

(A) by striking "\$5,000,000 for each of fiscal years 2001 through 2003" and inserting "\$7,000,000 for each of fiscal years 2010 through 2013"; and

(B) in paragraph (1) by striking "\$4,000,000" and inserting "\$6,000,000".

(2) ADMINISTRATIVE COSTS AND EXPENSES.—Section 408 of such Act (16 U.S.C. 1421f-1) is amended—

(A) by adding at the end of subsection (a)(1) the following: "All funds available to implement this section shall be distributed to eligible stranding network participants for the purposes set forth in this paragraph and paragraph (2), except as provided in subsection (f)."; and

(B) by amending subsection (f) to read as follows:

"(f) ADMINISTRATIVE COSTS AND EXPENSES.—Of the amounts available each fiscal year to carry out this section, the Secretary may expend not more than 6 percent or \$80,000, whichever is greater, to pay the administrative costs and administrative expenses to implement the grant program under subsection (a). Any such funds retained by the Secretary for a fiscal year for such costs and expenses that are not used for such costs and expenses before the end of the fiscal year shall be provided as grants under subsection (a)."

(3) EMERGENCY ASSISTANCE.—Section 408 of such Act (16 U.S.C. 1421f-1) is amended—

(A) in subsection (a) by redesignating paragraph (2) as paragraph (3), and by inserting after paragraph (1) the following:

"(2) Subject to the availability of appropriations, the Secretary may also enter into cooperative agreements, contracts, or such other agreements or arrangements as the Secretary considers appropriate to address stranding events requiring emergency assistance."

(B) in subsection (d) by inserting "(1)" before the text, and by adding at the end the following:

"(2) Funding for emergency stranding projects shall not be subject to the funding limit established in paragraph (1)."

(C) in subsection (e)—

(i) in paragraph (1) by striking "The non-Federal" and inserting "Except as provided in paragraph (2), the non-Federal";

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following:

"(2) EMERGENCY ASSISTANCE.—No non-Federal contribution shall be required for funding for a response to an emergency stranding event.;" and

(D) in subsection (g) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

"(2) EMERGENCY ASSISTANCE.—The term 'emergency assistance' means assistance provided for a stranding event that—

"(A) is not an unusual mortality event as defined in section 409(6);

"(B) leads to an immediate increase in required costs for stranding response, recovery, or rehabilitation in excess of regularly scheduled costs;

"(C) may be cyclical or endemic; and

"(D) may involve out-of-habitat animals."

(4) CONTRIBUTIONS.—Section 408 of such Act (16 U.S.C. 1421f-1) is amended by adding at the end the following:

"(i) CONTRIBUTIONS.—For purposes of carrying out this section, the Secretary may solicit, accept, receive, hold, administer, and use gifts, devises, and bequests."

(f) AUTHORIZATION OF APPROPRIATIONS FOR MARINE MAMMAL UNUSUAL MORTALITY EVENT