

in 1986, 1993, 1997, and 2005, and these parcels are currently classified as "Tribal fee lands" under Federal law.

(7) The acquired parcels shall not be taken into trust for gaming purposes.

(8) The best means of solving the Tribe's land and economic needs to its tribal members is to require the Secretary to take lands in Yuma County, Arizona, that are acquired by the Tribe into trust for the Tribe subject to the provisions of this Act.

### SEC. 3. DEFINITIONS.

For the purpose of this Act, the following definitions apply:

(1) **TRIBE.**—The term "Tribe" means the Cocopah Tribe of Arizona.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

### SEC. 4. LANDS TO BE TAKEN INTO TRUST.

(a) **LANDS TO BE TAKEN INTO TRUST.**—If the Tribe transfers title to the land described in subsection (b) to the Secretary, the Secretary shall take that land into trust for the benefit of the Tribe, if at the time of such transfer there are no recognized environmental conditions or contamination related concerns and no adverse legal claims to such land, including outstanding liens, mortgages, or taxes owed.

(b) **LAND DESCRIBED.**—The land referred to in subsection (a) is described as follows:

(1) **PARCEL 1 (SIBLEY PURCHASE 1986).**—Lot 4 and the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$ , of Sec. 1, T. 10 S., R. 25 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona, except that portion of the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$ , of said Sec. 1, T. 10 S., R. 25 W., lying southeasterly of the north right-of-way line of the Bureau of Reclamation levee.

(2) **PARCEL 2 (SIBLEY PURCHASE 1986).**—Lot 1 and the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , of Sec. 2, T. 10 S., R. 25 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

(3) **PARCEL 3 (MCDANIEL PURCHASE 1993).**—That part of the E $\frac{1}{2}$  of the SE $\frac{1}{4}$ , lying south of the East Main Bureau of Reclamation Canal right of way in Sec. 30, T. 9 S., R. 23 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

(4) **PARCEL 4 (HOLLAND PURCHASE 1997).**—That portion of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , of Sec. 31, T. 16 S., R. 22 E., of the San Bernardino Base and Meridian, Yuma County, Arizona, lying north of the levee and Salinity Canal; except the north 220 feet.

(5) **PARCEL 5 (HOLLAND PURCHASE 1997).**—An easement over the easterly 15 feet of the north 220 feet of that portion of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , of Sec. 31, T. 16 S., R. 22 E., of the San Bernardino Base and Meridian, Yuma County, Arizona, lying north of the levee and Salinity Canal for irrigation purposes.

(6) **PARCEL 6 (POWERS PURCHASE 1997).**—Lots 21, 24, and 25, Sec. 29, and Lots 16 and 17 and the N $\frac{1}{2}$  of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , of Sec. 30, T. 16 S., R. 22 E., of the San Bernardino Meridian, Yuma County, Arizona, according to the dependent resurvey of the Bureau of Land Management, accepted December 9, 1960.

(7) **PARCEL 7 (SPEED WAY PURCHASE 2005).**—That portion of the W $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Sec. 30, T. 9 S., R. 23 W., of the Gila and Salt River Base and Meridian, Yuma County, Arizona, lying south and east of the East Main Canal; except the south 33 feet thereof; except one-third interest in and to all mineral rights, as reserved in the deed recorded in Docket 1461, page 600, records of Yuma County, Arizona.

(c) **LANDS TO BE MADE PART OF THE RESERVATION.**—Land taken into trust pursuant to subsection (a) shall be considered to be part of the Tribe's initial reservation.

(d) **SERVICE AREA.**—For the purposes of the delivery of Federal services to enrolled members of the Tribe, the Tribe's service area shall be Yuma County, Arizona.

(e) **GAMING PROHIBITED.**—Land taken into trust for the benefit of the Tribe under this Act shall not be used for gaming under the Indian Gaming Regulatory Act.

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 to 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. I yield myself such time as I may consume.

Madam Speaker, the pending measure sponsored by our colleague, Representative RAÚL GRIJALVA, would place land into trust for the Cocopah Indian Tribe of Arizona. This land will be used for housing, water and non-gaming economic development opportunities.

These lands, which are currently owned by the Cocopah, will be considered part of the tribe's initial reservation. Further, this legislation prohibits these lands from being used for gaming purposes under the Indian Gaming Regulatory Act. A similar measure was introduced in the 107th Congress and in the 109th Congress. In the last Congress, the House passed an identical version of this measure by unanimous consent.

The resolution of this matter is well-overdue. I urge my colleagues to support the passage of H.R. 326.

I reserve the balance of my time.

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

Madam Speaker, the majority has adequately explained the purpose of H.R. 326. This legislation is the same as H.R. 673 that passed by unanimous consent in the House in 2007 but did not move in the Senate.

At present, the tribe benefiting from this legislation has a reservation that consists of several noncontiguous trust lands. H.R. 326 places tribal fee lands in trust to fill in some of the gaps in these reservation properties, and thereby, improves travel management and governance of the reservation.

The text of H.R. 326 reflects changes that had been recommended by the Bush administration in the last Congress. To the best of our knowledge, the bill is noncontroversial; and, therefore, we have no objections to it.

I reserve the balance of my time.

Mr. HOLT. May I ask if the gentleman has any further speakers.

Mr. SMITH of Nebraska. No, we haven't.

Mr. HOLT. With that, Madam Speaker, I again urge my colleagues to support the passage of H.R. 326.

I yield back the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, 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. 326.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

### SHARK CONSERVATION ACT OF 2009

Mr. HOLT. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 81) to amend the High Seas Driftnet Fishing Moratorium Protection Act and the Magnuson-Stevens Fishery Conservation and Management Act to improve the conservation of sharks.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 81

*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 "Shark Conservation Act of 2009".

#### SEC. 2. AMENDMENT OF HIGH SEAS DRIFTNET FISHING MORATORIUM PROTECTION ACT.

Section 610(a) of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826k(a)) is amended—

(1) by striking so much as precedes paragraph (1) and inserting the following:

"(a) **IDENTIFICATION.**—The Secretary shall identify, and list in the report under section 607—

"(1) a nation if—";

(2) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(4) by moving subparagraphs (A) through (C) (as so redesignated) 2 ems to the right;

(5) in subparagraph (C) (as so redesignated) by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

"(2) a nation if—

"(A) fishing vessels of that nation are engaged, or have been engaged during the preceding calendar year, in fishing activities or practices that target or incidentally catch sharks; and

"(B) the nation has not adopted a regulatory program to provide for the conservation of sharks, including measures to prohibit removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea, that is comparable to that of the United States, taking into account different conditions.".

#### SEC. 3. AMENDMENT OF MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT.

Section 307(1) of Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1857(1)) is amended—

(1) by amending subparagraph (P) to read as follows:

"(P)(i) to remove any of the fins of a shark (including the tail) at sea;

“(ii) to have custody, control, or possession of any such fin aboard a fishing vessel unless it is naturally attached to the corresponding carcass;

“(iii) to transfer any such fin from one vessel to another vessel at sea, or to receive any such fin in such transfer, without the fin naturally attached to the corresponding carcass; or

“(iv) to land any such fin that is not naturally attached to the corresponding carcass, or to land any shark carcass without such fins naturally attached;” and

(2) by striking the matter following subparagraph (R) and inserting the following:

“For purposes of subparagraph (P), there shall be a rebuttable presumption that if any shark fin (including the tail) is found aboard a vessel, other than a fishing vessel, without being naturally attached to the corresponding carcass, such fin was transferred in violation of subparagraph (P)(iii) and that if, after landing, the total weight of shark fins (including the tail) landed from any vessel exceeds five percent of the total weight of shark carcasses landed, such fins were taken, held, or landed in violation of subparagraph (P).”

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 to revise and extend their remarks and to 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.

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Mr. HOLT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of H.R. 81, the Shark Conservation Act of 2009. Sharks are vital to the health of marine ecosystems, but the practice of shark finning is driving the decline of their populations worldwide.

Nine years ago, Congress passed the Shark Finning Prohibition Act to protect these important species. The pending measure reconfirms the original intent of Congress to prevent shark finning by prohibiting the removal of fins at sea and the possession, transfer or landing of fins, which are not naturally attached to the corresponding carcass.

Reducing shark finning is imperative to conserving sharks, a critical species within marine ecosystems. This bill passed the House during the last Congress but was not acted upon by the other body. Today, we are repeating our effort for this important conservation.

I especially want to acknowledge the efforts of MADELEINE BORDALLO, the Chair of the Insular Affairs Oceans and Wildlife subcommittee. She has worked hard on this. And for the sake of the ecosystem of our world's oceans, I urge my colleagues to support the passage of this bill.

I reserve the balance of my time.

Mr. SMITH of Nebraska. Madam Speaker, I rise in support of H.R. 81, the Shark Conservation Act of 2009. Due to an unfortunate court ruling, a loophole was opened in the Shark Finning Prohibition Act of 2000 which allows fishermen to transfer shark fins from fishing vessels to transshipment vessels at sea. This type of at-sea transfer was clearly a violation of the Act, but the court ruled otherwise.

Another provision in the Shark Finning Prohibition Act of 2000 required fishermen to land the carcasses of the sharks they had caught so that fishery managers could determine the number and type of shark species being harvested. H.R. 81 takes that one step further and requires U.S. fishermen to land sharks with the fins still attached.

While the change in shark management included in this legislation is consistent with the regulations developed by the Secretary of Commerce for Atlantic shark fisheries, management measures for sharks in the Pacific are normally developed through the Western Pacific Fishery Management Council.

I yield back the balance of my time.

Mr. HOLT. Madam Speaker, as the gentleman said, this bill will correct an oversight in the existing law, and I urge my colleagues to support this legislation.

Mr. BROWN of South Carolina. Madam Speaker, in the 106th Congress, we enacted the Shark Finning Prohibition Act of 2000. At the time fisheries managers were unable to quantify the number and the species of sharks being harvested in some fisheries and this made shark management unsuccessful. The Shark Finning Prohibition Act required that fishermen land the carcass of the shark along with the fins so that fishery managers could track shark mortality.

Unfortunately, some shark fin buyers attempted to create a loophole in the law by purchasing fins without the carcasses at sea from fishermen and then “transferring them to transshipment vessels. This clearly violated the intent, if not the actual provisions, of the law.

To make things worse, a court ruling seems to have sanctioned this unintended loophole in the law.

This legislation closes that loophole and I support this legislation.

Mr. HOLT. 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. 81.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

Mr. HOLT. Madam Speaker, I move to suspend the rules and pass the bill

(H.R. 146) to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 146

*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 “Revolutionary War and War of 1812 Battlefield Protection Act”.

#### SEC. 2. BATTLEFIELD ACQUISITION GRANT PROGRAM FOR BATTLEFIELDS OF THE REVOLUTIONARY WAR AND WAR OF 1812.

(a) DEFINITIONS.—In this Act:

(1) BATTLEFIELD REPORT.—The term “battlefield report” means the document titled “Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States”, prepared by the National Park Service, and dated September 2007.

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

(3) ELIGIBLE SITE.—The term “eligible site” means a site that—

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

(B) 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 for nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under which the Secretary may make grants to eligible entities to pay the Federal share of the cost of acquiring fee-simple or lesser interests from willing sellers 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 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) LIMITATIONS 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 SELLER.—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) REPORTS.—

(1) IN GENERAL.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the activities carried out under this section.

(2) UPDATE ON BATTLEFIELD REPORT.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall submit to Congress a report that updates the battlefield report to reflect—

(A) preservation activities carried out at the 677 battlefields and associated sites identified in the battlefield report during the period between publication of the battlefield report and the update;

(B) changes in the condition of the battlefields and associated sites during that period; and