

“(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.

□ 1415

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

(C) any other relevant developments relating to the battlefields and associated sites during that period.

(h) AUTHORIZATIONS OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary from the Land and Water Conservation Fund to provide grants under this Act \$10,000,000 for each of fiscal years 2010 through 2014.

(2) UPDATE OF BATTLEFIELD REPORT.—There are authorized to be appropriated to the Secretary to carry out subsection (g)(2), \$500,000.

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.

Mr. HOLT. Madam Speaker, I rise as the sponsor of H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act, which I introduced for myself and a number of other Members. I would like to thank Chairman RAHALL and Chairman GRIJALVA for their help in bringing this legislation to the floor.

Madam Speaker, from the shot heard around the world in Lexington to the beginning of the winning, when Washington and his soldiers crossed the Delaware, on to the surrender of Lord Cornwallis at Yorktown, the stories of the American Revolution bring to life the ideals of liberty and democracy fostered by our Nation's founders.

As noted historian, David Hackett Fischer, testified before the Natural Resources Committee last year, "from long experience I can testify that one of the best ways to learn about history is to go to sites, and get on the ground." I could not agree more.

While one can read about the American Revolution and the values that were fought for and established at that time, or read about the War of 1812 when the fledgling country fought to maintain its independence, history is best experienced, however, not by reading but by feeling, touching and living what was experienced in those trying times. There is no better way to experience the history of the founding of our great Nation than on the hallowed ground where the epic struggle for our Nation's independence took place.

Preserving these American historic treasures is essential to remembering the sacrifices that our forefathers made to secure our freedom and our independence, and it is vital for educating the current generations and future generations and about our rich cultural heritage. Unfortunately, urbanization, suburban sprawl and un-

planned development continually encroach on many of the significant battlefields of that period. This encroachment poses a severe and growing risk to the preservation of these historic significant sites.

Last spring, the National Park Service published its report to Congress on the status of the Revolutionary War and the War of 1812 sites in the United States. This report demonstrates that there is a great need to act and to act quickly to preserve many of these sites. Out of the 677 naturally significant battlefields and associated sites of the Revolutionary War and the War of 1812, 99, according to the National Park Service, are lost forever already; 234 are fragmented or in poor condition; an additional 170 are in danger of being destroyed within the next decade.

H.R. 146 would help State and local governments and non-profits protect and preserve these battlefields and historic sites by authorizing the use of money from the Land and Water Conservation Fund to provide up to 50 percent of the costs of purchasing battlefield land threatened by sprawl and commercial development. This legislation is patterned after the successful Civil War Battlefield Protection Program that has been in effect for quite some time now.

I might add, it was an oversight, I would say, that decades ago, these battlefields and sites of the War of 1812 and the Revolutionary War were not included under the same umbrella. Now is the time to do it. Now is past the time to do it.

My home State of New Jersey played a unique role in the American Revolution. I was pleased when, a couple of years ago, Congress took action to protect the battlefields in historic sites where this conflict took place. We passed legislation that created the Crossroads of the American Revolution National Heritage Area linking hundreds of sites across 14 counties in New Jersey where more military engagements took place than in any other States. New Jersey was truly the crossroads of the American Revolution for a number of reasons, and I'm pleased we're taking steps to preserve the record of those engagements.

There's a fundamental misconception that the American Revolution and War of 1812 took place only in the Northeast. In truth, the story of the American Revolution and the War of 1812 crisscrosses 33 States, from New York to Louisiana, from Georgia to Oregon. Enacting this legislation would allow each of these States to preserve better their history and their role in the War of 1812 and the American Revolution.

Soon, I will be introducing legislation that will provide additional funding for the program created in this legislation, H.R. 149. That legislation, the American Revolution and War of 1812 Commemorative Coin Act, is modeled after the Civil War Battlefield Commemorative Coin Act of 1992, which has raised over \$6 million for battlefield preservation.

Enacting that bill will allow many more historic battlefields to be preserved. Enacting this bill will make it possible for our children and their children and other generations to enjoy and learn. We want to give Americans the opportunity to learn history, to feel history, to experience history so that they understand the principles on which this country was founded. People who know history can be better citizens, more engaged in current civic affairs and more cognizant of their place in history.

I urge my colleagues to support and vote for this important legislation.

I reserve the balance of my time.

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

During hearings on this bill in the 110th Congress, the Committee on Natural Resources heard testimony from historian David Hackett Fischer. Mr. Fischer's writings on the Revolutionary War point out General Washington's support for property rights and the strong actions he took to ensure that his soldiers respected the property of civilians, even when the property belonged to a Tory sympathizer. Washington personally gave strict orders to forbid looting even though plunder was the norm at the time and even though many of his men were hungry, dressed in rags and marched barefoot in the snow.

It is remarkable that in so desperate a situation and with so noble a cause, he imposed on the Patriot side such a high standard of conduct.

Washington's honorable policy stood in stark contrast to the routine seizures by the British and Hessian troops. It is no accident that over the course of the early years of the war, 1776 and 1777, in the battleground State of New Jersey, a population that was once evenly divided in its loyalty threw its support to the American cause.

There are lessons we can learn from Washington's example. In earlier battlefield protection efforts, the National Park Service used its eminent domain powers to seize lands from unwilling sellers. The justified resentment this caused hurt subsequent efforts.

I hope that as we set out to preserve historic sites, we emulate George Washington and not George III.

I yield back the balance of my time.

Mr. HOLT. Madam Speaker, with the urging to my colleagues to support this legislation, 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. 146, 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. SMITH of Nebraska. 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.

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.

□ 1430

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).