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**Legislative Bulletin.....March 2, 2009**

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**H.R. 326—Cocopah Lands Act (*Grijalva, D-AZ*)**

**Order of Business:** The bill is scheduled to be considered on March 2, 2009, under a motion to suspend the rules and pass the bill.

**Major Changes Since the Last Time This Legislation Was Before the House:** None. Identical legislation (H.R. 673) was considered in the 110<sup>th</sup> Congress and passed by unanimous consent on July 30, 2007.

**Summary:** This legislation would authorize the Secretary of the Interior to take lands in Yuma County, Arizona, to hold in trust as part of the reservation of the Cocopah Indian Tribe. The land consists of seven parcels contiguous to the existing reservation lands that have been acquired by the tribe over the past two decades.

**Addition Information:** The Cocopah (Kwapa) Indians are descendants of the greater Yuman language-speaking people. They have lived along the Colorado River since before recorded history. According to historical documents, the Tribe's domain once included portions of Arizona, Southern California and Sonora, Mexico. After the Treaty of Guadalupe Hidalgo was signed in 1848 the Tribe's lands were divided between the United States and Mexico.

On September 27, 1917, President Woodrow Wilson signed Executive Order No. 2711. This order established the Cocopah Indian Reservation, now located 13 miles south of Yuma, AZ, in Yuma County along the Colorado River. On August 17, 1961, Public Law 87-150 was approved granting eighty-one acres of public domain to the Tribe. In 1985, the Cocopah Land Acquisition Act was enacted granting the Tribe an additional 4,200 acres. Today, the reservation contains over 6,500 acres, most of which is leased as agricultural land to non-Indian farmers.

Beginning in 1986, the Tribe began purchasing various tracts of land. The `Sibley Purchase,' bought in 1986, consists of two parcels totaling 142 acres. The `McDaniel Purchase,' bought in 1993, includes 69.52 acres and was purchased for future development purposes. The `Holland Purchase,' bought in 1996, consists of two parcels totaling 7.9 acres and was purchased to provide entry into the Cocopah Golf and RV Resort. The `Powers Purchase,' bought in 1997, includes 140 acres. The `Speedway Purchase,' bought in 2005, includes 63 acres purchased for economic development.

Currently, the lands are not held in trust, and therefore the Tribe does not have jurisdiction over them. As a result, tribal development is limited. In order for the Tribe to govern the lands, they must be placed into trust for the Tribe by the Secretary of the Interior. After this occurs, jurisdictional responsibilities will be clarified, land holdings will be consolidated and the Tribe will enjoy further economic and social opportunities.

**Committee Action:** On January 8, 2009, the bill was referred to the House Committee on Natural Resources, which took no subsequent public action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** While no CBO score for H.R. 326 is available, CBO did state that enacting identical legislation in the 110<sup>th</sup> Congress “would have no significant impact on the federal budget. H.R. 673 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act. It would impose no significant costs on state, local, or tribal governments and would benefit the Cocopah Indian Tribe.”

**Does the Bill Expand the Size and Scope of the Federal Government?** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

**Constitutional Authority:** A Committee Report citing constitutional authority is not available.

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## **H.R. 81—Shark Conservation Act of 2009 (*Bordallo, D-Guam*)**

**Order of Business:** The bill is scheduled to be considered on March 2, 2009, under a motion to suspend the rules and pass the bill.

**Major Changes Since the Last Time This Legislation Was Before the House:** None. Identical legislation (H.R. 5741) was considered in the 110<sup>th</sup> Congress and passed by a voice vote on July 8, 2008.

**Summary:** H.R. 81 would amend the High Seas Driftnet Fishing Moratorium Protection Act to direct the National Oceanic and Atmospheric Administration (NOAA) to identify nations whose fishing vessels are or have been engaged in activities that target or incidentally catch sharks if the nation has not adopted a shark conservation program similar to that of the U.S. This would include any nation whose measures do not prohibit the removal of any of the fins of a shark (including the tail) and discarding the carcass of the shark at sea. In addition, H.R. 81 would prohibit certain activities that may involve shark finning in the U.S. (the practice of removing a shark's fins and discarding its carcass).

**Addition Information:** According to the NOAA, the following regulations are in place for the East Coast of the U.S.:

The Magnuson-Stevens Fishery Conservation and Management Act requires overfished shark stocks to be rebuilt and requires healthy shark populations to be maintained. Many shark stocks, particularly in the Atlantic, are overfished and must be rebuilt.

Nationally, the United States recently enacted a ban on shark finning that prohibits any person under U.S. jurisdiction from engaging in shark finning and possessing shark fins harvested on board a U.S. fishing vessel without the corresponding carcasses. Finning is defined as the practice of removing the fin(s) from a shark and discarding the remainder of the shark at sea.

The United States is a conservation leader internationally and was a key player in developing the Food and Agriculture Organization's International Plan of Action for the Conservation and Management of Sharks. The United States is one of two nations (out of 87 shark fishing nations) to develop a National Plan of Action for the Conservation and Management of Sharks.

The United States has participated or plans on participating in bilateral meetings regarding shark management with Japan, Spain, Taiwan, the European Union, Canada, China, and Mexico.

However, a recent court case revealed that a vessel was taking fins from another vessel—exploiting a loophole where fisherman could cut off the sharks fins, transfer them to another boat, and leave the carcasses on the other vessel. This bill intends to address this loophole.

**Committee Action:** On February 4, 2009, the bill was referred to the Natural Resources subcommittee on Insular Affairs, Oceans and Wildlife, which took no subsequent public action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** While a CBO score for H.R. 81 is not available, CBO estimated the cost of enacting identical legislation considered in the 110<sup>th</sup> Congress would “cost \$5 million over the 2009-2013 period. Enacting the legislation would not affect revenues or direct spending. CBO estimates that the cost of complying with the mandate would fall well below the annual threshold established in UMRA for private-sector mandates (\$136 million in 2008, adjusted annually for inflation).”

**Does the Bill Expand the Size and Scope of the Federal Government?** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** Yes, H.R. 81 imposes a private-sector mandate by requiring that shark fins aboard fishing vessels, shark fins transferred or received at sea, and shark fins landed at a U.S. port be naturally attached to the carcass.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

**Constitutional Authority:** A Committee Report citing constitutional authority is not available.

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## **H.R. 146—Revolutionary War and War of 1812 Battlefield Protection Act (*Holt, D-NJ*)**

**Order of Business:** The bill is scheduled to be considered on March 2, 2009, under a motion to suspend the rules and pass the bill.

**Major Changes Since the Last Time This Legislation Was Before the House:** None. Identical legislation (H.R. 160) was considered in the 110<sup>th</sup> Congress and passed by a voice vote on September 24, 2008.

**Summary:** H.R. 146 would provide financial assistance to state or local governments to purchase land that has been identified by the National Park Service (NPS) as eligible for protection through the American Battlefield Protection Program but is not contained within the boundaries of a unit of the National Park System.

**Addition Information:** The American Battlefield Protection Act of 1996 (Battlefield Act) was enacted to protect and preserve battlefields and sites associated with historic battles fought on American soil that influenced the course of American history. Urbanization, suburban sprawl, and unplanned commercial and residential development

have increasingly encroached upon these battlefield sites, threatening their historical integrity and even resulting in the loss of some sites altogether. Meanwhile, lack of funding has left other battlefield sites in an alarming state of disrepair and decay.

The Battlefield Act established the American Battlefield Protection Program (ABPP)--which is administered by the National Park Service (NPS)--to address these issues. The ABPP assists citizens, public and private institutions, and governments at all levels in the preservation, management, and interpretation of these historic sites for present and future generations. However, eligibility for grants under the ABPP is currently limited to Civil War battlefields.

With enactment of Sec. 603 of Public Law 104-333, Congress authorized the 'Revolutionary War and War of 1812 Historic Preservation Study Act of 1996' (16 U.S.C. 1a-5, Note). The purpose of the study was to identify principal sites from these two early American wars and, among other things, assess short- and long-term threats to the integrity of the sites. The final 'Report to Congress on the Historic Preservation of Revolutionary War and War of 1812 Sites in the United States' (Study) was completed in September, 2007.

The Study identified and documented 677 principal places associated with the Revolutionary War and the War of 1812--most of which the Study concluded were at risk. The Study found that of the 243 battlefield sites, 143 are already lost or extremely fragmented. The remaining 100 battlefields retain only 37 percent of their original historic scene and many are only partially protected, while 18 of those sites have no legal protection at all.

Of the 434 associated historical sites identified in the Study, 192 have already been destroyed or survive only as archeological remains and most of the remaining sites are in need of immediate and ongoing preservation measures. The Study concluded that as many as 170 sites face imminent injury or destruction in the next decade.

The proposed program will allow state or local governments to obtain federal funds to leverage matching private funds to acquire sites identified in the Study--from willing sellers--in order to preserve these historical places.

**Committee Action:** On February 4, 2009, the bill was referred to the Natural Resources subcommittee on National Parks, Forests, and Public Lands, which took no subsequent public action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** While no CBO score exists for H.R. 146, CBO did state the cost of implementing identical legislation in the 110<sup>th</sup> Congress would authorize \$50 million over the 2009 – 2013 period.

**Does the Bill Expand the Size and Scope of the Federal Government?** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No. The bill would authorize grants for the preservation of battlefield sites and would benefit state and local governments. Any costs to those governments would be incurred voluntarily.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

**Constitutional Authority:** A Committee Report citing constitutional authority is not available.

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## **H.R. 548—Civil War Battlefield Preservation Act of 2009 (Miller, R-CA)**

**Order of Business:** The bill is scheduled to be considered on March 2, 2009, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 548 would authorize grants to support efforts to protect and preserve historic battlefields under the Civil War Preservation Act of 2002. (The existing authorization for such grants is scheduled to expire after fiscal year 2009.) State and local governments would use those grants, in partnership with nonprofit organizations, to acquire interests in Civil War battlefield sites that lie beyond the boundaries of the National Park System.

**Addition Information:** Authorized in 1996, the American Battlefield Protection Program provides grants for preserving endangered Civil War battlefields which are specifically not part of the National Park System. Administered by the National Park Service, the program leverages federal funds appropriated under the program by requiring matching funds from private donors.

The program contains two components. Battlefield preservation project grants help communities and organizations preserve battlefield sites. To date, 329 project grants have been awarded to help grantees identify historic battlefield sites, nominate historic battlefield sites to the National Register of Historic Places, interpret battlefields for the public, and for other purposes. The battlefield acquisition grant program provides matching funds which help state and local governments acquire and preserve battlefield sites outside the boundaries of National Park System units. The acquisition program has

provided permanent protection to 15,705 acres at 72 Civil War battlefields and the \$26.3 million in grants have been used to leverage \$52 million in non-federal funding.

H.R. 548 amends the American Battlefield Protection Act of 1996 to extend and expand these grant programs through fiscal year 2013.

**Committee Action:** On February 4, 2009, the bill was referred to the Natural Resources subcommittee on National Parks, Forests, and Public Lands, which took no subsequent public action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** While no CBO score for H.R. 548 is available, the legislation would authorize appropriations of \$65 million over the 2009 to 2013 period.

**Does the Bill Expand the Size and Scope of the Federal Government?** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No. H.R. 548 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state and local governments. The bill would extend the authorization of a grant program for the preservation of battlefield sites and would benefit state and local governments. Any costs to those governments would be incurred voluntarily.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

**Constitutional Authority:** A Committee Report citing constitutional authority is not available.

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## **H.R. 844—Marine Mammal Rescue Assistance Amendments of 2009 (Young, R-AK)**

**Order of Business:** The bill is scheduled to be considered on March 2, 2009, under a motion to suspend the rules and pass the bill.

**Major Changes Since the Last Time This Legislation Was Before the House:** None. Identical legislation (H.R. 1006) was considered in the 110<sup>th</sup> Congress and passed by a voice vote on March 19, 2007.

**Summary:** H.R. 844 would reauthorize the Marine Mammal Unusual Mortality Event Fund for FY 2010 through FY 2013, at the current level--\$500,000 annually. In addition, the bill would also reauthorize the John H. Prescott Marine Mammal Rescue Assistance Grant program at \$7 million annually over the FY 2010 to FY 2013 period. This program provides grants to eligible stranding network participants for the recovery or treatment of marine mammals, the collection of data from living or dead stranded marine mammals for scientific research regarding marine mammal health, and facility operation costs.

**Addition Information:** According to the Committee, “the MMPA was enacted in 1972 to protect and conserve marine mammals and established a moratorium on taking or importing marine mammals and marine mammal products, except for certain regulated or permitted activities. The MMPA defines ‘take’ as ‘to harass, hunt, capture, or kill or attempt to harass, hunt capture, or kill any marine mammal.’ In 1992, Congress enacted the Marine Mammal Health and Stranding Response Act (P.L. 102--587) as Title IV of the MMPA. The Marine Mammal Health and Stranding Response Act statutorily recognized the marine mammal stranding network, established procedures for responding to unusual marine mammal mortality events, and established the National Marine Mammal Tissue Bank.

However, because most marine mammal strandings are not associated with unusual mortality events, in 2000, Congress enacted into law the John H. Prescott Marine Mammal Rescue Assistance Grant Program (P.L. 106--555). Prior to the establishment of this Federal grant program, assistance for strandings and rescues were provided by small, underfunded members of the Marine Mammal Stranding Network, who took on the financial burden to rescue and rehabilitate stranded marine mammals. The grant program defrays costs associated with the recovery and rehabilitation of marine mammals that fall outside of the existing Title IV program and allows eligible Marine Mammal Stranding Network participants to use funds to collect scientific data from live and dead animals, to improve the treatment and operation of rescue and rehabilitation centers, and to directly fund the recovery and treatment of the mammals. It is the intention of the Committee that the funds authorized in this bill may also be used for the disposal of marine mammal carcasses.”

**Committee Action:** On February 6, 2009, the bill was referred to the Natural Resources subcommittee on Insular Affairs, Oceans and Wildlife, which took no subsequent public action.

**Administration Position:** No Statement of Administration Policy (SAP) is available.

**Cost to Taxpayers:** This legislation would authorize \$15 million of discretionary spending over the 2009 – 2013 period, subject to appropriation.

**Does the Bill Expand the Size and Scope of the Federal Government?** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?** No. H.R. 844 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** A Committee Report citing compliance with rules regarding earmarks, limited tax benefits, or limited tariff benefits is not available. Such a report is technically not required because the bill is being considered under a suspension of the rules.

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