

S. 1921

At the request of Mr. WEBB, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1921, a bill to amend the American Battlefield Protection Act of 1996 to extend the authorization for that Act, and for other purposes.

S. 1957

At the request of Mr. SCHUMER, the names of the Senator from California (Mrs. BOXER) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1957, a bill to amend title 17, United States Code, to provide protection for fashion design.

S. 1966

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1966, a bill to reauthorize HIV/AIDS assistance.

S. 1991

At the request of Mr. BUNNING, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1991, a bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation and return phases of the expedition, and for other purposes.

S. 2045

At the request of Mr. PRYOR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2045, a bill to reform the Consumer Product Safety Commission to provide greater protection for children's products, to improve the screening of noncompliant consumer products, to improve the effectiveness of consumer product recall programs, and for other purposes.

S. 2063

At the request of Mr. GREGG, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2063, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the economic security of the United States, and to expand future prosperity and growth for all Americans.

S. 2071

At the request of Mrs. FEINSTEIN, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 2071, a bill to enhance the ability to combat methamphetamine.

S. 2080

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2080, a bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

S. 2123

At the request of Mr. GREGG, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from

Delaware (Mr. BIDEN) were added as cosponsors of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2132

At the request of Mr. BROWN, his name was added as a cosponsor of S. 2132, a bill to prohibit the introduction or delivery for introduction into interstate commerce of children's products that contain lead, and for other purposes.

S. 2168

At the request of Mr. LEAHY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Delaware (Mr. BIDEN) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 2168, a bill to amend title 18, United States Code, to enable increased federal prosecution of identity theft crimes and to allow for restitution to victims of identity theft.

S. 2181

At the request of Ms. COLLINS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2181, a bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare program.

S. 2182

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2183

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2183, a bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

S. 2191

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2191, a bill to direct the Administrator of the Environmental Protection Agency to establish a program to decrease emissions of greenhouse gases, and for other purposes.

S. 2243

At the request of Mr. SPECTER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2243, a bill to strongly encourage the Government of Saudi Arabia to end its support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, to secure full Saudi cooperation in the investigation of terrorist incidents, to denounce Saudi sponsorship of extremist Wahhabi ideology, and for other purposes.

S. 2254

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 2254, a bill to establish the Mis-

issippi Hills National Heritage Area in the State of Mississippi, and for other purposes.

S. RES. 356

At the request of Mr. DURBIN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 356, a resolution affirming that any offensive military action taken against Iran must be explicitly approved by Congress before such action may be initiated.

S. RES. 358

At the request of Mr. SMITH, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Res. 358, a resolution expressing the importance of friendship and cooperation between the United States and Turkey.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2259. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, the urban demands we have placed on our water supplies and ecosystem have resulted in significant water shortages in communities across the Nation. Water quality and quantity are in jeopardy if local, State, and Federal Governments do not support the implementation of cost-effective projects that enhance and increase potable water supplies.

Therefore, I am introducing this bill to authorize programs that will facilitate a comprehensive water supply and watershed project in southern California. Leaders and agencies across five counties in the Santa Ana Region of southern California have partnered to develop a comprehensive plan which addresses regional needs of their communities; communities whose population exceeds 3 million citizens. These communities are committed to leveraging over \$1 billion in local and State funds to match the Federal Government's investment. Similar legislation has been introduced in the House of Representatives by Representative GARY MILLER, together with Representatives KEN CALVERT, DAVID DREIER, EDWARD ROYCE, JOHN CAMPBELL, DANA ROHRBACHER and LORETTA SANCHEZ.

Specifically, this bill would fund three distinct projects, which together will help address water needs of 64,000 households and increase the region's water supply by 31,000 acre-feet per year in an environmentally sustainable manner.

This legislation could serve as a model for communities nationwide to help meet the challenges imposed by decreasing snow pack and precipitation and scarce potable water supplies that will be exacerbated by climate change.

This bill would authorize the Federal Government to spend \$10 million on a cost shared basis to create wetlands along the Santa Ana River, providing an expanded natural treatment system to purify the River before it replenishes Orange County's groundwater supplies. Like all of the projects in the plan, the construction of natural treatment systems using wetlands minimizes the impacts on the environment, reduces carbon emissions, and improves the quality of our groundwater supplies without costly control technologies.

An authorization of \$25 million in the expansion of groundwater desalination in the Chino Basin would increase desalination from the current 9,000 acre-feet per year to 40,000 acre-feet per year. This element of the program would provide a new fresh drinking water supply for Jurupa Community Services District, Santa Ana Mutual Water Company in Riverside County, and the cities of Norco, Chino, Chino Hills, and Ontario in San Bernardino County. These communities serve the needs of millions of citizens.

Because the Santa Ana River watershed crosses multiple jurisdictions, this legislation seeks to complement the ability to produce reclaimed water in one area with expanded desalination projects in the neighboring Chino Basin, providing a four-fold increase in the ability to desalinate groundwater supplies. The Chino Basin groundwater desalters will be the primary drinking water supply for over 40,000 new homes in Riverside and San Bernardino Counties.

The Groundwater Replenishment System, which is expected to be fully operational in just weeks, is the largest indirect potable reuse project in the world. The focal point of the system is membrane purification technology. Thus, \$12 million is being requested to build an advanced water filtration technologies research center to find better, more cost-effective approaches to water purification as it relates to municipal water supply needs.

This regional plan will decrease reliability on imported water supplies from the Colorado River and California's deteriorating Bay-Delta water supply system. It will also allow for banking millions of gallons of water in our groundwater basin, protecting the region against natural disasters that could disrupt the delivery of water to Southern California from the fragile Delta and Colorado systems.

I am proud of the commitment our regional agencies have made to develop a response to meet the current and future demands for water supply. The regional plan has broad community support, solves multiple water supply problems, reduces energy consumption,

restores habitat, and provides significant jobs and economic benefits to one of the Nation's most densely populated areas. I look forward to timely consideration of this legislation that could provide the road map to solving water demands across the country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2259

*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 "Santa Ana River Water Supply Enhancement Act of 2007".

**SEC. 2. PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

**"SEC. 16 . . . PRADO BASIN NATURAL TREATMENT SYSTEM PROJECT.**

"(a) IN GENERAL.—The Secretary, in cooperation with the Orange County Water District, shall participate in the planning, design, and construction of natural treatment systems and wetlands for the flows of the Santa Ana River, California, and its tributaries into the Prado Basin.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for the operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section."

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the last item the following:

"16 . . . Prado Basin Natural Treatment System Project."

**SEC. 3. LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102-575, title XVI; 43 U.S.C. 390h et seq.) is further amended by adding at the end the following:

**"SEC. 16 . . . LOWER CHINO DAIRY AREA DESALINATION DEMONSTRATION AND RECLAMATION PROJECT.**

"(a) IN GENERAL.—The Secretary, in cooperation with the Chino Basin Watermaster, the Inland Empire Utilities Agency, and the Santa Ana Watershed Project Authority and acting under the Federal reclamation laws, shall participate in the design, planning, and construction of the Lower Chino Dairy Area desalination demonstration and reclamation project.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed—

"(1) 25 percent of the total cost of the project; or

"(2) \$26,000,000.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or

maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section."

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of Public Law 102-575 is further amended by inserting after the last item the following:

"16 . . . Lower Chino dairy area desalination demonstration and reclamation project."

**SEC. 4. CENTER FOR TECHNOLOGICAL ADVANCEMENT OF MEMBRANE TECHNOLOGY AND EDUCATION.**

(a) IN GENERAL.—The Secretary of the Interior shall establish at the Orange County Water District located in Orange County, California, a center for the expressed purposes of providing—

(1) assistance in the development and advancement of membrane technologies; and

(2) educational support in the advancement of public understanding and acceptance of membrane produced water supplies.

(b) MANAGEMENT OF CENTER.—

(1) CONTRACTS.—In establishing the center, the Secretary shall enter into contracts with the Orange County Water District for purposes of managing such center.

(2) PLAN.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with the Orange County Water District, shall jointly prepare a plan, updated annually, identifying the goals and objectives of the center.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to carry out subsections (a) and (b), \$2,000,000, for each of fiscal years 2008 through 2013. Such sums shall remain available until expended.

(d) REPORT.—Not later than one year after the date of enactment of this section and annually thereafter, the Secretary, in consultation with the Orange County Water District, shall provide a report to Congress on the status of the center and its accomplishments.

(e) SUNSET OF AUTHORITY.—This section shall have no effect after the date that is 10 years after the date of the enactment of this section.

By Mr. KOHL (for himself, Mr. BIDEN, and Mrs. CLINTON):

S. 2261. A bill to restore the rule that agreements between manufacturers and retailers, distributors, or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I use today to introduce legislation essential to consumers receiving the best prices on every product from electronics to clothing to groceries. My bill, Discount Pricing Consumer Protection Act, will restore the nearly century old rule that it is illegal under antitrust law for a manufacturer to set a minimum price below which a retailer cannot sell the manufacturer's product, a practice known as "resale price maintenance" or "vertical price fixing". Last June, overturning a 96-year-old precedent, a narrow 5-4 Supreme Court majority in the Leegin case incorrectly interpreted the Sherman Act to overturn this basic

rule of the marketplace which has served consumers well for nearly a century. My bill will correct this misinterpretation of antitrust law and restore the per se ban on vertical price fixing.

The reasons for this legislation are compelling. Allowing manufacturers to set minimum retail prices will threaten the very existence of discounting and discount stores, and lead to higher prices for consumers. For nearly a century the rule against vertical price fixing permitted discounters to sell goods at the most competitive price. Many credit this rule with the rise of today's low price, discount retail giants—stores like Target, Best Buy, Walmart, and the internet site Amazon, which offer consumers a wide array of highly desired products at discount prices.

From my own personal experience in business I know of the dangers of permitting vertical price fixing. My family started the Kohl's department stores in 1962, and I worked there for many years before we sold the stores in the 1980s. On several occasions, we lost lines of merchandise because we tried to sell at prices lower than what the manufacturer and our rival retailers wanted. For example, when we started Kohl's and were just a small competitor to the established retail giants, we had serious difficulties obtaining the leading brand name jeans. The traditional department stores demanded that the manufacturer not sell to us unless we would agree to maintain a certain minimum price. Because they didn't want to lose the business of their biggest customers, that jeans manufacturer acquiesced in the demands of the department stores—at least until our lawyers told them that they were violating the rule against vertical price fixing.

So I know first hand the dangers to competition and discounting of permitting the practice of vertical price fixing. But we don't need to rely on my own experience. For nearly 40 years until 1975 when Congress passed the Consumer Goods Pricing Act, Federal law permitted States to enact so-called "fair trade" laws legalizing vertical price fixing. Studies the Department of Justice conducted in the late 1960s indicated that prices were between 18–27 percent higher in the states that allowed vertical price fixing than the states that had not passed such "fair trade" laws, costing consumers at least \$2.1 billion per year at that time.

Given the tremendous economic growth in the intervening decades, the likely harm to consumers if vertical price fixing were permitted is even greater today. In his dissenting opinion in the *Leegin* case, Justice Breyer estimated that if only 10 percent of manufacturers engaged in vertical price fixing, the volume of commerce affected today would be \$300 billion dollars, translating into retail bills that would average \$750 to \$1,000 dollars higher for the average family of four every year.

Defenders of the *Leegin* decision argue that today's giant retailers such

as Wal-Mart, Best Buy or Target can "take care of themselves" and have sufficient market power to fight manufacturer efforts to impose retail prices. Whatever the merits of that argument, I am particularly worried about the effect of this new rule permitting minimum vertical price fixing on the next generation of discount retailers. If new discount retailers can be prevented from selling products at a discount at the behest of an established retailer worried about the competition, we will imperil an essential element of retail competition so beneficial to consumers.

In overturning the per se ban on vertical price fixing, the Supreme Court in *Leegin* announced this practice should instead be evaluated under what is known as the "rule of reason." Under the rule of reason, a business practice is illegal only if it imposes an "unreasonable" restraint on competition. The burden is on the party challenging the practice to prove in court that the anti-competitive effects of the practice outweigh its justifications. In the words of the Supreme Court, the party challenging the practice must establish the restraint's "history, nature and effect." Whether the businesses involved possess market power "is a further, significant consideration" under the rule of reason.

In short, establishing that any specific example of vertical price fixing violates the rule of reason is an onerous and difficult burden for a plaintiff in an antitrust case. Parties complaining about vertical price fixing are likely to be small discount stores with limited resources to engage in lengthy and complicated antitrust litigation. These plaintiffs are unlikely to possess the facts necessary to make the extensive showing necessary to prove a case under the "rule of reason." In the words of FTC Commissioner Pamela Jones Harbour, applying the rule of reason to vertical price fixing "is a virtual euphemism for per se legality."

In July, our Antitrust Subcommittee conducted an extensive hearing into the *Leegin* decision and the likely effects of abolishing the ban on vertical price fixing. Both former FTC Chairman Robert Pitofsky and current FTC Commissioner Harbour strongly endorsed restoring the ban on vertical price fixing. Marcy Syms, CEO of the Syms discount clothing stores, did so as well, citing the likely dangers to the ability of discounters such as Syms to survive after abolition of the rule against vertical price fixing. Ms. Syms also stated that "it would be very unlikely for her to bring an antitrust suit" challenging vertical price fixing under the rule of reason because her company "would not have the resources, knowledge or a strong enough position in the market place to make such action prudent." Our examination of this issue has produced compelling evidence for the continued necessity of a ban on vertical price fixing to protect discounting and low prices for consumers.

The Discount Pricing Consumer Protection Act will accomplish this goal. My legislation is quite simple and direct. It would simply add one sentence to Section 1 of the Sherman Act—the basic provision addressing combinations in restraint of trade—a statement that any agreement with a retailer, wholesaler or distributor setting a price below which a product or service cannot be sold violates the law. No balancing or protracted legal proceedings will be necessary. Should a manufacturer enter into such an agreement it will unquestionably violate antitrust law. The uncertainty and legal impediments to antitrust enforcement of vertical price fixing will be replaced by simple and clear legal rule—a legal rule that will promote low prices and discount competition to the benefit of consumers every day.

In the last few decades, millions of consumers have benefited from an explosion of retail competition from new large discounters in virtually every product, from clothing to electronics to groceries, in both "big box" stores and on the Internet. Our legislation will correct the Supreme Court's abrupt change to antitrust law, and will ensure that today's vibrant competitive retail marketplace and the savings gained by American consumers from discounting will not be jeopardized by the abolition of the ban on vertical price fixing. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2261

*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 "Discount Pricing Consumer Protection Act".

**SEC. 2. STATEMENT OF FINDINGS AND DECLARATION OF PURPOSES.**

(a) FINDINGS.—Congress finds the following:

(1) From 1911 in the *Dr. Miles* decision until June 2007 in the *Leegin* decision, the Supreme Court had ruled that the Sherman Act forbid in all circumstances the practice of a manufacturer setting a minimum price below which any retailer, wholesaler or distributor could not sell the manufacturer's product (the practice of "resale price maintenance" or "vertical price fixing").

(2) The rule of per se illegality forbidding resale price maintenance promoted price competition and the practice of discounting all to the substantial benefit of consumers and the health of the economy.

(3) Many economic studies showed that the rule against resale price maintenance led to lower prices and promoted consumer welfare.

(4) Abandoning the rule against resale price maintenance will likely lead to higher prices paid by consumers and substantially harms the ability of discount retail stores to compete. For 40 years prior to 1975, Federal law permitted states to enact so-called "fair trade" laws allowing vertical price fixing. Studies conducted by the Department of Justice in the late 1960s indicated that retail

prices were between 18 and 27 percent higher in states that allowed vertical price fixing than those that did not. Likewise, a 1983 study by the Bureau of Economics of the Federal Trade Commission found that, in most cases, resale price maintenance increased the prices of products sold.

(5) The 5-4 decision of the Supreme Court majority in *Leegin* incorrectly interpreted the Sherman Act and improperly disregarded 96 years of antitrust law precedent in overturning the per se rule against resale price maintenance.

(b) PURPOSES.—The purposes of this Act are—

(1) to correct the Supreme Court's mistaken interpretation of the Sherman Act in the *Leegin* decision; and

(2) to restore the rule that agreements between manufacturers and retailers, distributors or wholesalers to set the minimum price below which the manufacturer's product or service cannot be sold violates the Sherman Act.

### SEC. 3. PROHIBITION ON VERTICAL PRICE FIXING.

(a) AMENDMENT TO THE SHERMAN ACT.—Section 1 of the Sherman Act (15 U.S.C. 1) is amended by adding after the first sentence the following: "Any contract, combination, conspiracy or agreement setting a minimum price below which a product or service cannot be sold by a retailer, wholesaler, or distributor shall violate this Act."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

By Mr. DOMENICI (for himself and Mrs. CLINTON):

S. 2262. A bill to authorize the Preserve America Program and Save America's Treasures Program, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to introduce the Preserve America and Save America's Treasures Act to formally authorize two important historic preservation programs—the Preserve America Program and the Save America's Treasures Program. I am pleased to be joined in this effort by my colleague from New York, Senator CLINTON.

Both the Preserve America Program and the Save America's Treasures Program have demonstrated significant success nationwide. However, both administration programs have relied solely on the will of the appropriations process and currently lack the long-term stability provided by formal authorization. This bill would authorize these two important programs and provide for the protection of America's heritage for years to come.

The Preserve America initiative was announced by First Lady Laura Bush on March 3, 2003, and established by Executive Order 13287. The initiative was developed in cooperation with a number of Federal agency partners to encourage and support community efforts for the preservation and enjoyment of our priceless cultural and natural heritage. Since 2003, 549 cities in all 50 States have been designated Preserve America Communities, and 140 of the Preserve America Communities have received a combined total of \$10 million to develop sustainable resource

management strategies and sound business practices for the continued preservation and use of heritage assets.

The Save America's Treasures program began during the Clinton administration as a national effort to protect our Nation's threatened cultural treasures, including historic structures, collections, works of art, maps and journals that document our heritage and to highlight and preserve the history and culture of the U.S. The program was established by Executive Order 13072 in February 1998. Save America's Treasures was originally created as the centerpiece of the White House National Millennium Commemoration, and as a public-private partnership that included the White House, the National Park Service and the National Trust for Historic Preservation. From 1998 through 2006, over \$300 million in Federal and private funding has been awarded for over 1,000 grants.

While both programs are nationwide in scope, I want to highlight the fact that the Preserve America and Save America's Treasures programs have also been very successful in my home State. Las Vegas and Silver City, NM, have been designated Preserve America communities, and 15 Save America's Treasures grants worth nearly 5 million dollars have been awarded over the years to entities throughout the State of New Mexico for various historic preservation projects. From the Palace of the Governor's Collections in Santa Fe to the Lincoln Historic District, where the outlaw Billy the Kid participated in the Lincoln County War, these programs have proved invaluable to preserving the rich heritage of New Mexico.

I am proud to offer this bill to authorize these two important historic preservation programs. I hope my colleagues will join with me in approving the Preserve America and Save America's Treasures Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2262

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Preserve America and Save America's Treasures Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—PRESERVE AMERICA PROGRAM

Sec. 101. Purpose.

Sec. 102. Definitions.

Sec. 103. Establishment.

Sec. 104. Designation of Preserve America Communities.

Sec. 105. Regulations.

Sec. 106. Authorization of appropriations.

#### TITLE II—SAVE AMERICA'S TREASURES PROGRAM

Sec. 201. Purpose.

Sec. 202. Definitions.

Sec. 203. Establishment.

Sec. 204. Regulations.

Sec. 205. Authorization of appropriations.

#### TITLE I—PRESERVE AMERICA PROGRAM

##### SEC. 101. PURPOSE.

The purpose of this title is to authorize the Preserve America Program, including—

(1) the Preserve America grant program within the Department of the Interior;

(2) the recognition programs administered by the Advisory Council on Historic Preservation; and

(3) the related efforts of Federal agencies, working in partnership with State, tribal, and local governments and the private sector, to support and promote the preservation of historic resources.

##### SEC. 102. DEFINITIONS.

In this title:

(1) COUNCIL.—The term "Council" means the Advisory Council on Historic Preservation.

(2) HERITAGE TOURISM.—The term "heritage tourism" means the conduct of activities to attract and accommodate visitors to a site or area based on the unique or special aspects of the history, landscape (including trail systems), and culture of the site or area.

(3) PROGRAM.—The term "program" means the Preserve America Program established under section 103(a).

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

##### SEC. 103. ESTABLISHMENT.

(a) IN GENERAL.—There is established in the Department of the Interior the Preserve America Program, under which the Secretary, in partnership with the Council, shall provide competitive grants to States, local governments (including local governments in the process of applying for designation as Preserve America Communities under section 104), Indian tribes, communities designated as Preserve America Communities under section 104, State historic preservation offices, and tribal historic preservation offices to support preservation efforts through heritage tourism, education, and historic preservation planning activities.

(b) ELIGIBLE PROJECTS.—

(1) IN GENERAL.—The following projects shall be eligible for a grant under this title:

(A) A project for the conduct of—

(i) research on, and documentation of, the history of a community; and

(ii) surveys of the historic resources of a community.

(B) An education and interpretation project that conveys the history of a community or site.

(C) A planning project (other than building rehabilitation) that advances economic development using heritage tourism and historic preservation.

(D) A marketing project that promotes and enhances the visitor experience to a community.

(E) A training project that provides opportunities for professional development in areas that would aid a community in using and promoting its historic resources.

(F) A project to support heritage tourism in a Preserve America Community designated under section 104.

(2) LIMITATION.—In providing grants under this title, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(c) PREFERENCE.—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Save America's Treasures Program.

(d) CONSULTATION AND NOTIFICATION.—

(1) CONSULTATION.—The Secretary shall consult with the Council in preparing the

list of projects to be provided grants for a fiscal year under the program.

(2) **NOTIFICATION.**—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(e) **COST-SHARING REQUIREMENT.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of carrying out a project provided a grant under this title shall be not less than 50 percent of the total cost of the project.

(2) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies and related services, the value of which shall be determined by the Secretary.

(3) **REQUIREMENT.**—The Secretary shall ensure that the non-Federal share for an eligible project required under paragraph (1) shall be available for expenditure before a grant is provided to the eligible project under the program.

#### **SEC. 104. DESIGNATION OF PRESERVE AMERICA COMMUNITIES.**

(a) **APPLICATION.**—To be considered for designation as a Preserve America Community, a community, tribal area, or neighborhood shall submit to the Council an application containing such information as the Council may require.

(b) **CRITERIA.**—To be designated as a Preserve America Community under the program a community, tribal area, or neighborhood that submits an application under subsection (a) shall, as determined by the Council, in consultation with the Secretary—

(1) protect and celebrate the heritage of the community, tribal area, or neighborhood;

(2) use the historic assets of the community, tribal area, or neighborhood for economic development and community revitalization;

(3) encourage people to experience and appreciate local historic resources through education and heritage tourism programs; and

(4) meet any other criteria required by the Council.

(c) **GUIDELINES.**—The Council, in consultation with the Secretary, shall establish any guidelines that are necessary to carry out this section.

#### **SEC. 105. REGULATIONS.**

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

#### **SEC. 106. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this title.

### **TITLE II—SAVE AMERICA'S TREASURES PROGRAM**

#### **SEC. 201. PURPOSE.**

The purpose of this title is to authorize within the Department of the Interior the Save America's Treasures Program, to be carried out by the Director of the National Park Service, in partnership with National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on the Arts and the Humanities.

#### **SEC. 202. DEFINITIONS.**

In this title:

(1) **COLLECTION.**—The term "collection" means a collection of intellectual and cultural artifacts, including documents, sculpture, and works of art.

(2) **ELIGIBLE ENTITY.**—The term "eligible entity" means a Federal entity, State, local, or tribal government, educational institution, or nonprofit organization.

(3) **HISTORIC PROPERTY.**—The term "historic property" has the meaning given the term in section 301 of the National Historic Preservation Act (16 U.S.C. 470w).

(4) **NATIONALLY SIGNIFICANT.**—The term "nationally significant" means a collection or historic property that meets the applicable criteria for national significance, in accordance with regulations promulgated by the Secretary pursuant to section 101(a)(2) of the National Historic Preservation Act (16 U.S.C. 470a(a)(2)).

(5) **PROGRAM.**—The term "program" means the Save America's Treasures Program established under section 203(a).

(6) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

#### **SEC. 203. ESTABLISHMENT.**

(a) **IN GENERAL.**—There is established in the Department of the Interior the Save America's Treasures program, under which the amounts made available to the Secretary under section 205 shall be used by the Secretary, in consultation with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on the Arts and the Humanities, subject to subsection (f)(1)(B), to provide grants to eligible entities for projects to preserve nationally significant collections and historic properties.

(b) **DETERMINATION OF GRANTS.**—Of the amounts made available for grants under section 205, not less than 50 percent shall be made available for grants for projects to preserve collections and historic properties, to be distributed through a competitive grant process administered by the Secretary, subject to the eligibility criteria established under subsection (e).

(c) **APPLICATIONS FOR GRANTS.**—To be considered for a competitive grant under the program an eligible entity shall submit to the Secretary an application containing such information as the Secretary may require.

(d) **COLLECTIONS AND HISTORIC PROPERTIES ELIGIBLE FOR COMPETITIVE GRANTS.**—

(1) **IN GENERAL.**—A collection or historic property shall be provided a competitive grant under the program only if the Secretary determines that the collection or historic property is—

(A) nationally significant; and

(B) threatened or endangered.

(2) **ELIGIBLE COLLECTIONS.**—A determination by the Secretary regarding the national significance of collections under paragraph (1)(A) shall be made in consultation with the National Endowment for the Arts, the National Endowment for the Humanities, the National Trust for Historic Preservation, or the Institute of Museum and Library Services, as appropriate.

(3) **ELIGIBLE HISTORIC PROPERTIES.**—To be eligible for a competitive grant under the program, a historic property shall, as of the date of the grant application—

(A) be listed in the National Register of Historic Places at the national level of significance; or

(B) be designated as a National Historic Landmark.

(e) **SELECTION CRITERIA FOR GRANTS.**—

(1) **IN GENERAL.**—The Secretary shall not provide a grant under this title to a project for an eligible collection or historic property unless the project—

(A) eliminates or substantially mitigates the threat of destruction or deterioration of the eligible collection or historic property;

(B) has a clear public benefit; and

(C) is able to be completed on schedule and within the budget described in the grant application.

(2) **PREFERENCE.**—In providing grants under this title, the Secretary may give preference to projects that carry out the purposes of both the program and the Preserve America Program.

(3) **LIMITATION.**—In providing grants under this title, the Secretary shall only provide 1 grant to each eligible project selected for a grant.

(f) **CONSULTATION AND NOTIFICATION BY SECRETARY.**—

(1) **CONSULTATION.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall consult with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, the National Trust for Historic Preservation, and the President's Committee on Arts and Humanities in preparing the list of projects to be provided grants for a fiscal year by the Secretary under the program.

(B) **LIMITATION.**—If an entity described in subparagraph (A) has submitted an application for a grant under the program, the entity shall be recused by the Secretary from the consultation requirements under that subparagraph and subsection (a).

(2) **NOTIFICATION.**—Not later than 30 days before the date on which the Secretary provides grants for a fiscal year under the program, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Appropriations of the House of Representatives a list of any eligible projects that are to be provided grants under the program for the fiscal year.

(g) **COST-SHARING REQUIREMENT.**—

(1) **IN GENERAL.**—The non-Federal share of the cost of carrying out a project provided a grant under this title shall be not less than 50 percent of the total cost of the project.

(2) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share required under paragraph (1) shall be in the form of—

(A) cash; or

(B) donated supplies or related services, the value of which shall be determined by the Secretary.

(3) **REQUIREMENT.**—The Secretary shall ensure that each applicant for a grant has the capacity and a feasible plan for securing the non-Federal share for an eligible project required under paragraph (1) before a grant is provided to the eligible project under the program.

#### **SEC. 204. REGULATIONS.**

The Secretary shall develop any guidelines and issue any regulations that the Secretary determines to be necessary to carry out this title.

#### **SEC. 205. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this title.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. CLINTON. Mr. President, I am proud to join Senator DOMENICI to introduce the Preserve America and Save America's Treasures Act. This legislation will formally authorize Save

America's Treasures and Preserve America for the first time.

Nearly 10 years ago, I helped create Save America's Treasures to preserve and promote historic sites and artifacts across our country. On February 2, 1998, President Clinton established Save America's Treasures by Executive Order 13072. Save America's Treasures was originally founded as the centerpiece of the White House National Millennium Commemoration and as a public-private partnership that included the White House, the National Park Service, and the National Trust for Historic Preservation.

Save America's Treasures was envisioned as a 2-year commemorative project that would illuminate the problem of our neglected heritage and inspire Americans to help save the important treasures in their own communities. Almost 10 years later and Save America's Treasures is still going strong. This model public-private partnership has provided critical support of bricks and mortar preservation projects in every State and territory. These sites include such icons as the Star Spangled Banner, the Old North Church, Mesa Verde, Valley Forge and the last remaining architectural model of the World Trade Center. The list also includes the Founding Father's Papers, the Acoma Pueblo, President Lincoln's Cottage, and the Sewall Belmont House.

To help ensure that future generations will have an opportunity to experience our past and understand our identity as a community and as a nation, Save America's Treasures has educated the public on preservation problems facing the buildings, sites, monuments, objects and documents that represent America's diverse cultural legacy, and it has supported preservation of historic collections and properties.

The program also supports and advances the purposes and policies of the national historic preservation program set forth by the Congress in the National Historic Preservation Act of 1966.

The President and First Lady Bush have continued to keep the historic preservation effort alive in America. President Bush announced the Preserve America initiative through Executive Order 13287 on March 3, 2003 to promote the preservation of America's heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties.

Through the Preserve America initiative, Americans gain greater knowledge about our Nation's past, strengthened regional identities, increased local participation in preserving the country's cultural and natural heritage assets, and support for the economic vitality of our communities.

The legislation that Senator DOMENICI and I have introduced will formally authorize Preserve America and Save America's Treasures. Both of these programs have relied solely on the will of

the appropriations process and lack the long-term viability provided by formal authorization. Both programs have demonstrated significant on-the-ground results and are clearly worthy of authorized legislation to institutionalize them for future generations.

Our legislation will authorize a competitive Save America's Treasures grant program within the National Park Service in partnership with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, and the President's Committee on the Arts and the Humanities.

It will also authorize a competitive Preserve America grant program within the Department of the Interior in cooperation with the Advisory Council on Historic Preservation and other Federal agencies.

I am proud to be an original cosponsor of this legislation that will help ensure that future generations will have an opportunity to experience our past and understand the identity of our Nation. I thank Senator DOMENICI for his leadership, and I hope my colleagues will join with me in approving the Preserve America and Save America's Treasures Act.●

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 360—OFFERING CONDOLENCES REGARDING THE TRAGIC FIRE IN OCEAN ISLE BEACH, NORTH CAROLINA, WHICH KILLED 6 UNIVERSITY OF SOUTH CAROLINA STUDENTS AND 1 STUDENT FROM CLEMSON UNIVERSITY ON OCTOBER 28, 2007.

Mr. DEMINT (for himself and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 360

*Resolved*, That the Senate offers its heartfelt condolences to the victims and their families regarding the tragic fire on October 28, 2007, in Ocean Isle Beach, North Carolina, which killed 6 University of South Carolina students and 1 student from Clemson University, and to the students, faculty, administration, and staff and their families who have been deeply affected by these tragic events.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3490. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3490.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 294, to reauthorize Amtrak, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place add the following:  
**SEC. 224. PROHIBITION OF FEDERAL SUBSIDIES FOR FOOD AND BEVERAGE SERVICE.**

Federal funds may not be used by the National Railroad Passenger Corporation to subsidize food and beverage service on Amtrak trains until Amtrak is in compliance with section 24305(c)(4) of title 49, United States Code.

#### NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, November 6, 2007, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on whether domestic energy industry will have the available workforce—crafts and professional—to meet our Nation's growing energy needs and if gaps exist, what policies the Congress should take to address these gaps.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to [rosemarie\\_calabro@energy.senate.gov](mailto:rosemarie_calabro@energy.senate.gov).

For further information, please contact Jonathan Epstein at (202) 228-3031 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Senate Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, November 13, 2007, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on The Surface Mining Control and Reclamation Act of 1977: Policy Issues Thirty Years Later.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to [gina\\_weinstock@energy.senate.gov](mailto:gina_weinstock@energy.senate.gov).

For further information, please contact Patty Beneke at 202-224-5451 or Gina Weinstock at (202) 224-5684.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, November 1, 2007, at 9:30 a.m. in room 628 of the Dirksen Senate Office