S. 3481. A bill to amend the Federal Water Pollution Control Act to clarify Federal responsibility for stormwater pollution.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 3566. A bill to authorize certain maritime programs of the Department of Transportation, and for other purposes.

S. 3597. A bill to improve the ability of the National Oceanic and Atmospheric Administration, the Coast Guard, and coastal States to sustain healthy ocean and coastal ecosystems by maintaining and sustaining their capabilities relating to oil spill preparedness, prevention, response, restoration, and research, and for other purposes .

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY:

S. 4040. A bill to preserve Medicare beneficiary choice by restoring and expanding the Medicare open enrollment and disenrollment opportunities repealed by section 3204(a) of the Patient Protection and Affordable Care Act; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. DURBIN, and Mr. MERKLEY):

S. 4041. A bill to amend the Electronic Fund Transfer Act to provide protection for consumers who have prepaid cards, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. CORNYN, and Mr. LEAHY):

S. 4042. A bill to permit the disclosure of certain information for the purpose of missing child investigations; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. REED, Mr. DURBIN, and Mr. UDALL of New Mexico):

S. 4043. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself and Mr. MENENDEZ):

S. 4044. A bill to reauthorize and strengthen the Combating Autism Act of 2006 (Public Law 109–416), to establish a National Institute of Autism Spectrum Disorders, to provide for the continuation of certain programs relating to autism, to establish programs to provide services to individuals with autism and the families of such individuals and to increase public education and awareness of autism, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SPECTER:

S. 4045. A bill to amend section 924 of title 18, United States Code, to clarify and strengthen the armed career criminal provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. KERRY:

S. 4046. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodations in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BENNETT:

S. 4047. A bill to establish the Federal Acceleration of State Technologies Deployment Program and for related purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mr. LEAHY):

S. 4048. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Intelligence Reform and Terrorism Prevention Act of 2004, and the FISA Amendments Act of 2008 until December 31, 2013, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COCHRAN (for himself and Mrs. LINCOLN):

S. Con. Res. 78. A concurrent resolution honoring the work and mission of the Delta Regional Authority on the occasion of the 10th anniversary of the Federal-State partnership created to uplift the 8-State Delta region; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 3605

At the request of Mr. ROCKEFELLER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3605, a bill to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

S. 3929

At the request of Mr. TESTER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3929, a bill to revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. RES. 680

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 680, a resolution supporting international tiger conservation efforts and the upcoming Global Tiger Summit in St. Petersburg, Russia.

S. RES. 698

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 698, a resolution expressing the sense of the Senate with respect to the territorial integrity of Georgia and the situation within Georgia's internationally recognized borders.

AMENDMENT NO. 4814

At the request of Mr. JOHANNS, his name was added as a cosponsor of amendment No. 4814 proposed to Treaty Doc. 111–5, treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol.

At the request of Mr. THUNE, his name was added as a cosponsor of amendment No. 4814 proposed to Treaty Doc. 111–5, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DODD (for himself, Mr. REED, Mr. DURBIN, and Mr. UDALL of New Mexico):

S. 4043. A bill to revise and extend provisions under the Garrett Lee Smith Memorial Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Garrett Lee Smith Memorial Act, GLSMA, Reauthorization. Six years ago, my former colleague Senator Gordon Smith and I introduced the original GLSMA to address the public health challenge of youth suicide by providing funding to states, Indian tribes, colleges, and universities to develop suicide prevention and intervention programs. Our bill made great strides in combating the growing problem of youth suicide. However, our work remains unfinished. For this reason, joined by colleagues Senator JACK REED, SENATOR RICHARD DURBIN, and Senator TOM UDALL, I am introducing a reauthorization bill to strengthen the existing Federal, State, and local efforts.

Last year, more than 4,000 Americans between the ages of 15 to 24 died by suicide, making suicide the third leading cause of death for this age group and the second leading cause of death among college students. These numbers are devastating. During an economic crisis, the situation is becoming more dire for young adults across the country. Over the past two years, we have seen a substantial increase of calls into suicide crisis centers. Many of these centers are threatened with cutbacks in funding from State and local governments. Despite the success of GLSMA, the latest Indian Health Service numbers show that suicide is the second leading cause of death for American Indian and Alaska Native youth ages 10–24.

Youth suicide represents both a public and mental health tragedy—a tragedy that knows no geographic, racial, ethnic, cultural, or socioeconomic boundaries. Regrettably, it is one of the leading causes of death among our nation's children; however, suicide is preventable and its causes are treatable. It has been proven that early intervention in mental health problems leads to the most effective treatment. The funding provided through the Garrett Lee Smith Memorial Act supports critical resources our young people need to develop into healthy, happy adults.

The Garrett Lee Smith Memorial Act provides federal grants to promote the

development of statewide suicide early intervention and prevention strategies intended to identify and reach out to young people who need mental health services. In addition, this bill makes competitive grants available to colleges and universities to create or enhance the schools' mental and behavioral health programs. It is imperative that we reauthorize the GLSMA in order to ensure those who utilize those important programs continue getting the aid they need before it is too late.

Our reauthorization effort increases funding to the existing programs and make important policy changes to the campus grant program. Whereas the funding level for all three programs in fiscal year 2010 is $40 million, the reauthorization bill would bring the authorization level to $260 million over 5 years. As a result, this bill includes increased funding for the Suicide Prevention Resource Center and grants for state, Tribal, and campus prevention efforts. The reauthorization bill also incorporates changes which will allow for increased flexibility in the use of campus grant funds. The original GLSMA authorized the use of campus grant funds only for suicide prevention infrastructure, such as hotlines. The proposed changes would allow for additional flexibility in the use of these funds, including crisis counseling and training of campus staff and students. I believe that these uses are critical to suicide prevention efforts on campuses.

I would like to take a moment to honor Garrett Lee Smith, the namesake of this bill. Six years ago, Garrett's father, Senator Gordon Smith introduced the original bill with me. Three years later, along with Senator Jack Reed, we introduced the original reauthorization. Nothing can be said or done to bring back Gordon and Sharon Smith's son Garrett, but their steadfast support and tireless efforts on behalf of young adults with mental illnesses have given their son the legacy he deserves.

In addition, without the network of groups and individuals who have made it their mission to take on this fight, none of the progress we have made would have been possible. I have worked closely with these groups throughout my tenure in the Senate and I thank them for their support and assistance, and truly value the working relationship we have established.

It is my hope that introducing this reauthorization bill will build momentum for the efforts of my colleagues during the 112th Congress, and I would like to thank Senator REED, Senator DURBIN, and Senator TOM UDALL for their willingness to lead the charge into next Congress. Both of these Senators have been great partners on so many issues over the years and I am happy that they will be here next Congress to lead the efforts on this reauthorization.

The GLSMA has long been a bipartisan, bicameral bill. That must continue next Congress. I hope that my colleagues will support this important legislation. We must continue to build upon these successes and ensure more communities are better equipped to prevent youth suicide through the reauthorization of the GLSMA.

Mr. REED. Mr. President, I am pleased to join Senators DODD, DURBIN, and TOM UDALL in the introduction of the Garrett Lee Smith Memorial Reauthorization Act. This bill, which is dedicated to the son of our former colleague Senator Gordon Smith, would bolster the ability of the Substance Abuse and Mental Health Administration to help prevent suicide among our nation's youth.

My efforts during the original enactment of this law, and now this reauthorization, have been focused on enhancing suicide prevention programs on college campuses. Suicide is the second leading cause of death among college-age students in the United States, with some 1,100 deaths by suicide occurring in this age group each year. Indeed, we can and must do more to curb this trend.

The reauthorization bill we are introducing today would expand existing federally-funded efforts on campuses beyond outreach, education, and awareness about suicide and suicide prevention to include funding for services and the hiring of appropriately trained personnel. These provisions stem from a bill that I introduced in the 108th Congress, the Campus Care and Counseling Act, and I am pleased that they are included in the reauthorization efforts of this law. I thank Senator DODD for his leadership and hard work on this bill, and I look forward to continuing efforts with my colleagues to move this bill in the 112th Congress.

By Mr. DODD (for himself and Mr. MENENDEZ):

S. 4044. A bill reauthorize and strengthen the Combating Autism Act of 2006 (Public Law 109–416), to establish a National Institute of Autism Spectrum Disorders, to provide for the continuation of certain programs relating to autism, to establish programs to provide services to individuals with autism and the families of such individuals and to increase public education and awareness of autism, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce the Combating Autism Act, CAA, Reauthorization. Six years ago, my former colleague Senator Rick Santorum and I introduced the original CAA to expand Federal investment for Autism research, services, treatment, and awareness efforts. The bill was signed into law by President Bush following a nearly unanimous Congressional vote. The original CAA made great strides in addressing the growing public health problem. However, our work remains unfinished and essential programs are set to expire in 2011. For this reason, joined by my colleague Senator ROBERT MENENDEZ, I am introducing a reauthorization bill to strengthen the existing federal, state, and local efforts.

Autism is one form of Autism Spectrum Disorder, ASD, a group of developmental disabilities caused by atypical brain development. It is a severe neurological disorder that affects language, cognition, emotional development, and the ability to relate and interact with others. Current estimates suggest that over 1 million Americans suffer from some form of autism.

Individuals with ASD tend to have challenges and difficulties with social and communication skills. Many people with ASD also have unique ways of learning, paying attention, or reacting to different sensations. ASD begins during early childhood and lasts throughout a person's life. As the name ''autism spectrum disorder'' implies, ASD covers a continuum of behaviors and abilities.

Autism is a profound condition that can have a devastating effect on children and their families. We as a nation must devote significantly increased resources to finding answers to the many questions surrounding autism. Families struggling to raise a child with autism deserve our support, and they deserve answers. The legislation we are working to reauthorize will help us continue the journey towards a better understanding of autism and better supporting those living with this difficult condition.

The original CAA represented the largest Federal investment of funding and programs for children and families with autism. The law expanded Federal investment for Autism research through NIH; services, diagnosis and treatment through HRSA; and surveillance and awareness efforts through the CDC. As a result of these efforts, we made significant advances in the understanding of autism. For example, we identified several autism susceptibility genes that are leading to drug discovery and earlier detection of infants at risk for ASD. Our Nation's researchers are now investigating the links between environmental exposures and autism. We improved methods for autism screening and recommendation for universal autism screening at well baby check-ups. We even developed effective early intervention methods for toddlers with autism.

Unfortunately, major provisions of CAA are set to sunset in 2011. Although some Federal efforts on autism would undoubtedly continue without a reauthorization, the autism community would experience a disastrous loss of momentum. Autism is the fastest growing developmental disability in the Nation. For unknown reasons, the number of children diagnosed with autism has skyrocketed in recent years, from one in 10,000 children born 15 years ago to approximately one in 110 children born today. Although it is more common than Down syndrome, childhood cancer, and cystic fibrosis, autism research currently receives less

funding than these other childhood diseases.

Our reauthorization bill would ensure that these critical programs continue, including CDC surveillance programs, HRSA intervention and training programs, and the Interagency Autism Coordinating Committee, IACC. We are building upon the success of the original CAA by making additional investments in an array of service related activities. We create a one-time, single year planning and multiyear service provision demonstration grant programs to States, public, or private nonprofit entities. We establish a national technical assistance center to gather and disseminate information on evidence-based treatments, interventions, and services; and, we authorize multiyear grants to provide interdisciplinary training, continuing education, technical assistance, and information to improve services rendered to individuals with ASD and their families.

Finally, we create a new National Institute of Autism Spectrum Disorders within NIH, to consolidate CCA funding and accelerate research focused on prevention, treatment, services, and cures. A cross-agency institute with an aggressive, coordinated, and targeted research agenda aimed at improving the lives of individuals with autism is needed to address the challenges posed by a complex condition that involves many areas of science and services research. It also will provide our research community with a more predictable and accountable budget environment for disorder affecting individuals on this scale.

Over the course of my career I have had the opportunity to meet with several families who are affected by Autism. The parents of children with this disorder are some of the most dedicated and perseverant I have ever worked with. They do more than simply rise to the challenge they have been presented with. They stand up and fight. They fight for themselves, they fight for their community, and they fight for generations to come, but most of all, they fight for their children. I want to thank these families and their children for sharing their stories and their strength with me. Their stories, anecdotes and struggles give a face to the people all across the country whose lives are touched by this important research, and hearing about them help us to do our jobs better. The CAA would be nothing without them.

Last but certainly not least, I would like to take this opportunity to thank the disability, and more specifically, the autism community and advocacy organizations who have worked tirelessly on this bill. The magnitude and importance of their work on this legislation and other related initiatives will never be properly recognized. There are few advocacy groups that pursue their goals and priorities with as much fervor and fortitude as this community. They have an incredibly challenging but critically important job, and I would like to thank them for their hard work and support throughout the years. None of this progress could have been made without them.

It is my hope that introducing this reauthorization bill will build momentum for the efforts of my colleagues during the 112th Congress, and I would like to thank Senator MENENDEZ for his willingness to lead the charge into next Congress. Senator MENENDEZ has been a great partner on so many issues over the years and I am happy that he will be here next Congress to lead the efforts on this reauthorization.

The CAA was a bipartisan, bicameral bill. That must continue next Congress. I hope that my colleagues will support this important legislation. We must continue to build upon these successes and ensure more communities are better equipped to address this complex public health issue.

By Mr. SPECTER:

S. 4045. A bill to amend section 924 of title 18, United States Code, to clarify and strengthen the armed career criminal provisions, and for other purposes; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I have sought recognition to introduce today a bill that strengthens the Armed Career Criminal Act in response to a series of Supreme Court rulings, which wrongly have restricted when and how the Act is applied, and have caused unnecessary and costly litigation with inconsistent results throughout our Federal court system. The Department of Justice has provided extensive technical assistance in the drafting of this bill over many months. I am introducing this legislation, so the next Congress can have my views on this subject.

The Armed Career Criminal Act provides certain and harsh penalties for criminals who are considered especially dangerous because of their prior serious criminal convictions and subsequent possession of a firearm. It has proven to be one of the strongest crime fighting tools in protecting the public from repeat offenders who are armed.

The Act mandates a 15-year sentence for offenders who have already accumulated three prior convictions for a violent felony or serious drug offense, and are convicted in Federal court for possessing a firearm in violation of section 922(g) of title 18, United States Code. The Armed Career Criminal Act, also referred to as section 924(e) of title 18, United States Code, was part of the Omnibus Crime Control Act passed by the 98th Congress in 1984. The 99th Congress broadened its reach by expanding the crimes that trigger the mandatory 15 year sentence.

The Act provides Federal prosecutors with the ability to take the most dangerous and violent criminals—a small percentage responsible for as much as 70 percent of all crimes—out of circulation. Its effectiveness, however, has been seriously undermined by Supreme Court decisions that have severely limited its reach and needlessly complicated its application. Specifically, these decisions have unfairly restricted what documents a judge may review in order to determine whether a prior conviction triggers the Act's sentencing enhancement, and too narrowly restricted the Act's definition of violent crime. The bill I am introducing, called the Armed Career Criminal Sentencing Act of 2010, negates the impact of these rulings.

In Taylor v. United States, 495 U.S. 575, 1990, and Shepard v. United States, 544 U.S. 13 (2005), the Supreme Court has required that district courts apply a ''categorical approach'' when determining whether certain prior convictions trigger the enhanced sentence under section 924(e) of title 18, United States Code. This has led to increased litigation, as well as random and contradictory sentencing results. It has also put an unnecessary burden on the courts.

The ''categorical approach'' prevents Federal judges from looking at reliable evidence of the facts of qualifying prior convictions and instead only permits Federal judges to review the language of the statute of conviction and certain limited judicial records, such as the charging document, the jury instructions, and the change of plea colloquy. The Supreme Court of the United States has said that its reading of section 924(e) in this regard is colored, in part, by concern that to permit a more probing judicial inquiry could raise right-to-jury-trial issues because the sentence enhancement under section 924(e) increases the statutory maximum sentence of 10 years under section 922(g) to life imprisonment. Under Apprendi v. New Jersey, 530 U.S. 466, 490, 2000, a case decided after the enactment of the Armed Career Criminal Act, any facts, other than prior convictions, which may be used to increase the sentence of a defendant beyond the statutory maximum sentence must be proven to a jury beyond a reasonable doubt.

There have been frequent instances in which armed career criminals have not been sentenced consistent with congressional intent due to this Supreme Court precedent that has significantly narrowed the applicability of section 924(e) and prevented judges from exercising their historic sentencing discretion and judgment.

Few statutory sentencing issues have led to such costly and time-consuming litigation at every level of the Federal court system as the determination of whether the broad range of criminal offenses under State and local law qualify categorically as crimes of violence or serious drug trafficking offenses.

Among the 50 States and territories, there are significant disparities in the content and formulation of State and local criminal laws. There are also differing charging and recordkeeping practices. Based on such fortuities as this, the Supreme Court's precedent

has caused an irrational divergence of Armed Career Criminal Act sentences. Fundamental principles of equality and fair treatment, as well as the imperative of vigorously protecting public safety, require far more uniform administration and implementation of the sentencing provisions under section 924(e).

Federal judges are capable of examining and evaluating reliable evidence to determine if a particular conviction or series of convictions merits enhancement and should be entrusted to continue their historic role as sentencing fact finders.

The solution to this problem is simple. The bill I am introducing today eliminates the ''categorical approach'' and allows judges to return to their traditional sentencing roles and to make the sentencing judgments traditionally assigned to courts. The bill accomplishes this by lowering the maximum sentence under section 924(e) from life to 25 years, and increasing the maximum sentence under section 922(g) from 10 years to 25 years. Equalizing the maximum sentences for the two statutes means that when a judge enhances a sentence for a section 922(g) conviction, as permitted by section 924(e) for armed career criminals, the judge will not increase the statutory maximum sentence of section 922(g) and therefore necessarily avoids any implication of Apprendi principles. The Congressional Research Service has reviewed and agreed with this legal analysis.

Because sentences for violations of section 922(g) of title 18, United States Code, by individuals who are not armed career criminals will commonly fall in the range of 10 years or less by operation of the advisory sentencing guidelines and the reasonable judgment of the sentencing courts, I do not anticipate that there will be many resulting changes in the length of sentence for those individuals, although the increased statutory maximum will apply.

The Armed Career Criminal Act currently defines ''violent felony'' as ''any crime punishable by imprisonment for [more than] one year . . . that . . . (i) has as an element the use, attempted use, or threatened use of physical force against . . . another . . . or . . . (ii) is burglary, arson, or extortion, involves use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another.'' 18 U.S.C. § 924(e)(2)(B).

To date, the Supreme Court has decided four cases (with another to be argued next month) in an attempt to clarify which State and local violent crime offenses qualify as sentencing enhancements under the Armed Career Criminal Act. In all but one, the Court has too narrowly restricted the Act's definition of violent crime.

Despite the clear language in section 924(e)(2)(B)(ii) that a violent crime includes ''conduct that presents a serious potential risk of injury to another,'' the Court has read this so-called ''residual clause'' to only apply to crimes that typically involve purposeful, violent, and aggressive conduct—even though there is no such limiting language to be found in the statute's definition of violent crime.

Thus, in United States v. Begay, 553 U.S. 137, 2008, the Court found that 11 felony DUI convictions did not qualify as conduct that presents a serious risk of physical injury to another. In Chambers v. United States, 129 S. Ct. 687, 2009, the Court held that the crime of failure to report to prison, which is the crime of escape, was a ''far cry from the purposeful, violent, and aggressive conduct''' required to qualify as a violent crime.

The Supreme Court has also too narrowly restricted the violent felony definition in section 924(e)(2)(B)(i) by holding that the use of physical force against another as an element of a crime must include violent force. In Johnson v. United States, 130 S. Ct. 1265, 1271, 2010, the Supreme Court held that a battery conviction under Florida law did not qualify for the Act's sentencing enhancement because ''[w]e think it clear that in the context of a statutory definition of 'violent felony,' the phrase 'physical force' means violent force—that is, force capable of causing physical pain or injury to another person.'' Again, those words—violent force—are nowhere in the statute's definition.

The bill I am introducing today simply and clearly defines qualifying violent crime in two ways—by elements and by conduct—and does not require violent force, just physical force. It also removes the violent crime definition from the so-called ''residual clause'' to prevent limitations being read by the Court into its meaning. Under the bill, violent crime includes crimes that have as an element—the use, attempted use, or threatened use of physical force, however slight, against the person of another individual, or that serious bodily injury intentionally, knowingly, or recklessly resulted from the offense conduct.

The bill also defines violent crime to include offenses that, without regard to the formal elements of the crime, involved conduct that presented a serious potential risk of bodily injury to another or intentionally, knowingly, or recklessly resulted in serious bodily injury to another.

Finally, to ensure that an inflexible application of section 924(e) does not result in overly harsh results, this bill gives prosecutors the discretion to file a notice advising the defendant and the court whether the prosecutor will seek to invoke all, some, or none of the prior convictions of the defendant to trigger the penalty enhancement. This is done already for Federal drug penalty enhancements and works well.

By making these simple changes, we can be assured that fundamental principles of equality and fair treatment are followed, and that public safety will be vigorously protected. I urge my colleagues to pass the Armed Career Criminal Sentencing Act of 2010.

By Mr. KERRY:

S. 4046. A bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodations in employment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KERRY. Mr. President, America was founded on the principle of religious freedom. Many of us are descended not just from the Pilgrims, but from so many others Catholics, Jews, and many more who fled persecution in search of a land where they could practice their religion and simply be who they are. Our very Constitution exists to secure the blessings of that freedom to ourselves and to our children.

Even so, charges of religious discrimination in the workplace have been on the rise for more than a decade. Between 1992 and 2007, the latest period for which we have data, claims of religious discrimination filed with the Equal Employment Opportunity Commission have more than doubled, from 1,388 to 2,880. There is no way to tell how many people simply quit their job rather than complain.

But in a Nation founded on freedom of religion, no American should ever have to choose between keeping a job and keeping faith with their cherished religious beliefs and traditions. I have been deeply involved in this issue since 1996 and once again I am introducing the Workplace Religious Freedom Act.

The Workplace Religious Freedom Act is designed to protect people who encounter on-the-job discrimination because of their religious beliefs and practices. It protects, within reason, time off for religious observances. It protects the wearing of yarmulkes, hijabs, turbans and Mormon garments—all the distinctive marks of religious practices, all the things that people of faith should never be forced to hide.

Writing religious freedom into law is not easy. I have been trying to make the Workplace Religious Freedom Act law for 15 years. I have worked with a range of partners from Senator Santorum and Senator BROWNBACK to Senator LIEBERMAN, and most recently Senator HATCH and I have been working together behind the scenes to move this issue forward. In doing so, it has been a difficult challenge to balance so many interests and legitimate concerns and to keep up with changing times.

This bill represents years of discussion about religious tolerance and equal treatment and is a compromise between many different views. I hope it serves as the beginning of a new discussion as to how we can move forward in the next Congress and beyond because addressing this issue is long overdue.

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. 4046

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 ''Workplace Religious Freedom Act of 2010''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In enacting title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) (referred to in this Act as ''title VII''), Congress—

(A) recognized the widespread incidence of and harm caused by religious discrimination in employment;

(B) expressly intended to establish that religion is a class protected from discrimination in employment, as race, color, sex, and national origin are protected classes; and

(C) recognized that, absent undue hardship, a covered employer's failure to reasonably accommodate an employee's religious practice is discrimination within the meaning of that title.

(2) Eradicating religious discrimination in employment is essential to reach the goal of full equal employment opportunity in the United States.

(3) In Trans World Airlines, Inc. v. Hardison, 432 U.S. 63 (1977), the Supreme Court held that an employer could deny an employee's request for religious accommodation based on any burden greater than a de minimus burden on the employer, and thus narrowed the scope of protection of title VII against religious discrimination in employment, contrary to the intent of Congress.

(4) As a consequence of the Hardison decision and resulting appellate and trial court decisions, discrimination against employees on the basis of religion in employment continues to be an unfortunate and unacceptable reality.

(5) Federal, State, and local government, and private employers have a history and have established a continuing pattern of discrimination in unreasonably denying religious accommodations in employment, including in the areas of garb, grooming, and scheduling.

(6) Although this Act addresses requests for accommodation with respect to garb, grooming, and scheduling due to employees' religious practices, enactment of this Act does not represent a determination that other religious accommodation requests do not deserve similar attention or future resolution by Congress.

(7) The Supreme Court has held in Fitzpatrick v. Bitzer, 427 U.S. 445 (1976) that Congress has clearly authorized Federal courts to award monetary damages in favor of a private individual against a State government found in violation of title VII, and this holding is supported by Quern v. Jordan, 440 U.S. 332 (1979).

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to address the history and widespread pattern of discrimination by private sector employers and Federal, State, and local government employers in unreasonably denying religious accommodations in employment, specifically in the areas of garb, grooming, and scheduling;

(2) to provide a comprehensive Federal prohibition of employment discrimination on the basis of religion, including that denial of accommodations, specifically in the areas of garb, grooming, and scheduling;

(3) to confirm Congress' clear and continuing intention to abrogate States' 11th amendment immunity from claims made under title VII; and

(4) to invoke congressional powers to prohibit employment discrimination, including the powers to enforce the 14th amendment, and to regulate interstate commerce pursuant to section 8 of article I of the Constitution, in order to prohibit discrimination on the basis of religion, including unreasonable denial of religious accommodations, specifically in the areas of garb, grooming, and scheduling.

SEC. 4. AMENDMENTS.

(a) DEFINITIONS.—Section 701(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(j)) is amended—

(1) by inserting ''(1)'' after ''(j)'';

(2) in paragraph (1), as so designated, by striking ''he is unable'' and inserting ''the employer is unable, after initiating and engaging in an affirmative and bona fide effort,''; and

(3) by adding at the end the following:

''(2) For purposes of paragraph (1), with respect to the practice of wearing religious clothing or a religious hairstyle, or of taking time off for a religious reason, an accommodation of such a religious practice—

''(A) shall not be considered to be a reasonable accommodation unless the accommodation removes the conflict between employment requirements and the religious practice of the employee;

''(B) shall be considered to impose an undue hardship on the conduct of the employer's business only if the accommodation imposes a significant difficulty or expense on the conduct of the employer's business when considered in light of relevant factors set forth in section 101(10)(B) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111(10)(B)) (including accompanying regulations); and

''(C) shall not be considered to be a reasonable accommodation if the accommodation requires segregation of an employee from customers or the general public.

''(3) In this subsection:

''(A) The term 'taking time off for a religious reason' means taking time off for a holy day or to participate in a religious observance.

''(B) The term 'wearing religious clothing or a religious hairstyle' means—

''(i) wearing religious apparel the wearing of which is part of the observance of the religious faith practiced by the individual;

''(ii) wearing jewelry or another ornament the wearing of which is part of the observance of the religious faith practiced by the individual;

''(iii) carrying an object the carrying of which is part of the observance of the religious faith practiced by the individual; or

''(iv) adopting the presence, absence, or style of a person's hair or beard the adoption of which is part of the observance of the religious faith practiced by the individual.''.

SEC. 5. EFFECTIVE DATE; APPLICATION OF AMENDMENTS; SEVERABILITY.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by section 4 take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—This Act and the amendments made by section 4 do not apply with respect to conduct occurring before the date of enactment of this Act.

(c) NO DIMINUTION OF RIGHTS.—With respect to religious practices not described in section 701(j)(2) of the Civil Rights Act of 1964, as amended by section 4(a)(3), nothing in this Act or an amendment made by this Act shall be construed to diminish any right that may exist, or remedy that may be available, on the day before the date of enactment of this Act, for discrimination in employment because of religion by reason of failure to provide a reasonable accommodation of a religious practice, pursuant to title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(d) SEVERABILITY.—

(1) IN GENERAL.—If any provision of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of the amendments made by this Act and the application of the provision to any other person or circumstance shall not be affected.

(2) DEFINITION OF RELIGION.—If, in the course of determining a claim brought under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), a court holds that the application of the provision described in paragraph (1) to a person or circumstance is unconstitutional, the court shall determine the claim with respect to that person or circumstance by applying the definition of the term ''religion'' specified in section 701 of that Act (42 U.S.C. 2000e), as in effect on the day before the date of enactment of this Act.

By Mrs. FEINSTEIN (for herself and Mr. LEAHY):

S. 4048. A bill to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005, the Intelligence Reform and Terrorism Prevention Act of 2004, and the FISA Amendments Act of 2008 until December 31, 2013, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am introducing today, on behalf of Senator LEAHY, Chairman of the Committee on the Judiciary and myself the FISA Sunsets Extension Act of 2010. Since early in this Congress, I have been working with Chairman LEAHY, both in my capacity as Chairman of the Select Committee on Intelligence and as a member of the Judiciary Committee, to enact legislation that extends expiring authorities for the collection of foreign intelligence against terrorists, proliferators, foreign powers, and spies, while ensuring that adequate safeguards exist for the protection of the civil liberties and privacy of Americans.

To that end, the Judiciary Committee reported, in October 2009, S. 1692, a bill that sought to accomplish two main objectives. One was to extend the life of three authorities under FISA which were then due to sunset on December 31, 2009, described as roving, lone wolf, and business records collection, all of which have been previously described to the Senate during the consideration of earlier extensions. Through two short-term measures, those sunsets have been extended to February 28, 2010.

The other main objective was to secure several amendments to statutes on intelligence collection that would improve the balance they strike between protecting national security and protecting civil liberties and privacy. In the course of this Congress, this second objective has been largely achieved through actions that have been taken by the Department of Justice and the FBI under administrative actions. On reviewing those actions, which have been described in a letter from the Attorney General to Chairman LEAHY on

December 9, 2010, Chairman LEAHY and I have determined that the one remaining action that we need to take legislatively this Congress is to extend the three important authorities that are now due to sunset on February 28, 2010. The Feinstein-Leahy bill will extend these sunsets to the same date as proposed in S. 1692, December 31, 2013. The Attorney General and the Director of National Intelligence have asked the Congress to extend these authorities.

Additionally, the authority established by the FISA Amendments Act of 2008, regarding collection of foreign intelligence against persons reasonably believed to be outside of the United States, is scheduled to sunset on December 31, 2012. The Feinstein-Leahy bill would extend that authority for one year, to December 31, 2013, so that all of the sunsets of authority under FISA occur on the same date. This will allow the Congress to consider all of the temporary authorities in conjunction.

By acting now on these approaching sunsets, Congress will ensure stability in the foreign intelligence collection system at a time of heightened threat levels and guarantee there are no inadvertent gaps in FISA collection at the beginning of next year.

I urge my colleagues to support this legislation so we can achieve enactment this session.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 78—HONORING THE WORK AND MISSION OF THE DELTA REGIONAL AUTHORITY ON THE OCCASION OF THE 10TH ANNIVERSARY OF THE FEDERAL-STATE PARTNERSHIP CREATED TO UPLIFT THE 8-STATE DELTA REGION

Mr. COCHRAN (for himself and Mrs. LINCOLN) submitted the following concurrent resolution; which was referred to the Committee on Environment and Public Works:

S. CON. RES. 78

Whereas President Clinton, with the approval of Congress and the bipartisan support of congressional sponsors, representing the States of the Delta in both the House of Representatives and the Senate, launched the Delta Regional Authority on December 21, 2000, in an effort to alleviate the economic hardship facing the Delta region and to create a more level playing field for the counties and parishes of such States to compete for jobs and investment;

Whereas the Delta Regional Authority is a Federal-State partnership that serves 252 counties and parishes in parts of Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee;

Whereas the Delta region holds great promise for access and trade, as the region borders the world's greatest transportation arterial in the Mississippi River;

Whereas the Delta boasts a strong cultural heritage as the birthplace of the blues and jazz music and as home to world famous cuisine, which people throughout the United States and the world identify with the region;

Whereas the counties and parishes served by the Delta Regional Authority constitute an economically-distressed area facing challenges such as undeveloped infrastructure systems, insufficient transportation options, struggling education systems, migration out of the region, substandard health care, and the needs to develop, recruit, and retain a qualified workforce and to build strong communities that attract new industries and employment opportunities;

Whereas the Delta Regional Authority has made significant progress toward addressing such challenges during its first 10 years of work;

Whereas the Delta Regional Authority operates a highly successful grant program in each of the 8 States it serves, allowing cities, counties, and parishes to leverage money from other Federal agencies and private investors;

Whereas the Delta Regional Authority has invested nearly $86,200,000 into more than 600 projects during the first decade of existence, leveraging $1,400,000,000 in private sector investment and producing an overall 22 to 1 return on taxpayer dollars;

Whereas the Delta Regional Authority is working with partners to create or retain approximately 19,000 jobs and is bringing the critical infrastructure to sustain new water and sewer services for more than 43,000 families;

Whereas an independent report from the Department of Agriculture's Economic Research Service found that per capita income grew more rapidly in counties and parishes where the Delta Regional Authority had the greatest investment, showing that each additional dollar of Delta Regional Authority's per capita spending results in a $15 increase in personal income;

Whereas the Delta Regional Authority has developed a culture of transparency, passing 9 independent audits showing tangible results;

Whereas during its first 10 years, the Delta Regional Authority has laid a strong foundation for working with State Governors, Federal partners, community leaders, and private sector investors to capitalize on the region's strong points and serve as an economic multiplier for the 8-State region, helping communities tackle challenges and cultivating a climate conducive to job creation;

Whereas the Delta Regional Authority has expanded its regional initiatives in the areas of health care, transportation, leadership training, and information technology, and is also increasing efforts in the areas of small business development, entrepreneurship, and alternative energy jobs; and

Whereas the Delta Regional Authority stands prepared to use the groundwork established during its first decade as a springboard to create new opportunities for Delta communities in the future: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes the 10th anniversary of the founding of the Delta Regional Authority; and

(2) honors and celebrates the Delta Regional Authority's first decade of work to improve the economy and well-being of the 8-State Delta region, and the promise of the Delta Regional Authority's continued work in the future.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4833. Mr. INHOFE submitted an amendment intended to be proposed by him to Treaty Doc. 111–5 , Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table.

SA 4834. Mr. KERRY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5901, to amend the Internal Revenue Code of 1986 to authorize the tax court to appoint employees.

SA 4835. Mr. KERRY (for Mr. BAUCUS) proposed an amendment to the bill H.R. 5901, supra.

SA 4836. Mr. KERRY (for Mr. JOHANNS) proposed an amendment to the bill S. 1481, to amend section 811 of the Cranston–Gonzalez National Affordable Housing Act to improve the program under such section for supportive housing for persons with disabilities.

SA 4837. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4827 proposed by Mr. REID to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; which was ordered to lie on the table.

SA 4838. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 4827 proposed by Mr. REID to the bill H.R. 2965, supra; which was ordered to lie on the table.

SA 4839. Mr. RISCH (for himself, Mr. CORNYN, Mr. INHOFE, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed in Prague on April 8, 2010, with Protocol; which was ordered to lie on the table.

SA 4840. Mr. ENSIGN submitted an amendment intended to be proposed by him to Treaty Doc. 111–5 , supra; which was ordered to lie on the table.

SA 4841. Mr. THUNE submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, supra; which was ordered to lie on the table.

SA 4842. Mr. THUNE submitted an amendment intended to be proposed by him to Treaty Doc. 111–5, supra; which was ordered to lie on the table.

SA 4843. Mr. BINGAMAN (for Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. BINGAMAN, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. COONS, and Mr. BROWN of Massachusetts)) proposed an amendment to the bill H.R. 5116, to invest in innovation through research and development, to improve the competitiveness of the United States, and for other purposes.

SA 4844. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; which was ordered to lie on the table.

SA 4845. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 303, to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999; which was ordered to lie on the table.

SA 4846. Mr. VITTER (for himself, Mr. RISCH, Mr. INHOFE, and Mr. BARRASSO) submitted an amendment intended to be proposed by him to