

Whereas, according to the February 2010 United Nations Human Rights Council Universal Periodic Review of Iran, "The Secretary-General noted reports about Bahá'is subjected to arbitrary detention, false imprisonment, confiscation and destruction of property, citing a significant increase in violence targeting Bahá'is, including torture or ill-treatment in custody.";

Whereas, in August 2010, the seven former leaders of the Iranian Baha'i community were sentenced to a 20-year prison term, later reduced to a 10-year sentence, following over two years of arbitrary detention without trial;

Whereas numerous independent observers and legal experts, including the United Nations High Commissioner for Human Rights, have raised serious questions about the lack of due process or fairness of their trial;

Whereas over 43 Baha'is continue to be imprisoned in Iran as of November 2010 solely because of their religious beliefs;

Whereas the Comprehensive Iran Sanctions, Accountability and Divestment Act of 2010 (Public Law 111-195) calls on the President to impose "sanctions on certain persons who are responsible for or complicit in human rights abuses committed against citizens of Iran or their family members";

Whereas, on March 15, 2010, Ms. Rozita Vaseghi was arrested and has since been held in solitary confinement at the detention center of the Ministry of Intelligence unit in Mashhad;

Whereas the seven leaders of the Baha'i community, Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naeimi, Behrouz Tavakkoli, Saeid Rezaie, Vahid Tizfahm, and Mahvash Sabet, were arrested between March and May 2008 and have remained in detention;

Whereas, on June 14, 2010, the trial of these seven leaders concluded after four hearings and on June 30 the court issued a 20-year prison sentence for each which was subsequently verbally changed to a 10-year sentence;

Whereas, on October 12, 2009, Christian pastor Youcef Nadarkhani was arrested in northern Iran and faces a death sentence for apostasy after he questioned the Muslim monopoly on religious instruction his children were receiving in school;

Whereas, in recent years, there has been a significant increase in the number of incidents of Iranian authorities raiding church services, detaining worshippers and church leaders, and harassing and threatening church members;

Whereas official policies promoting anti-Semitism have risen sharply in Iran, particularly since President Ahmadinejad came to power in 2005;

Whereas, on July 23, 2009, riot police and security forces injured and arrested 20 Sufi practitioners in Gonabad who then received sentences of flogging or imprisonment in May 2010;

Whereas, in January 2009, Jamshid Lak, a Sufi of the Gonabadi Dervish order, was flogged 74 times after being charged in 2006 with slander after reportedly publicly complaining of ill treatment by the Ministry of Intelligence;

Whereas, in July 2008, plain clothes security officers raided the home of Isfahan Iranian Christians Abbas Amiri and Sakineh Rahnama during a meeting, and both Amiri and Rahnama died of injuries suffered during the raid;

Whereas these individuals were targeted solely on the basis of their religion; and

Whereas the Government of Iran is party to the International Covenants on Human Rights: Now, therefore, be it  
*Resolved*, That the Senate—

(1) condemns the Government of Iran for its state-sponsored persecution of religious

minorities in Iran and its continued violation of the International Covenants on Human Rights;

(2) calls on the Government of Iran to immediately release the seven leaders of the Baha'i community and all other prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, Ms. Haleh Roohi, and Ms Rozita Vaseghi;

(3) calls on the President and Secretary of State, in cooperation with the international community, to continue to condemn the Government of Iran's ongoing violation of human rights and demand the immediate release of prisoners held solely on account of their religion, including Mrs. Fariba Kamalabadi, Mr. Jamaloddin Khanjani, Mr. Afif Naeimi, Mr. Saeid Rezaie, Mr. Behrouz Tavakkoli, Mrs. Mahvash Sabet, Mr. Vahid Tizfahm, Ms. Raha Sabet, Mr. Sasan Taqva, Ms. Haleh Roohi, and Ms Rozita Vaseghi;

(4) urges the President and Secretary of State to consider implementing further sanctions against officials directly responsible for egregious human rights violations, including against the Baha'is;

(5) calls on the United States Government to continue to support an annual United Nations General Assembly resolution condemning severe violations of human rights, including freedom of religion or belief, in Iran;

(6) calls on the United States Government to press for a resolution condemning severe violations of human rights in Iran, including freedom of religion or belief, at the United Nations General Assembly and at the United Nations Human Rights Council; and

(7) call on the United Nations Human Rights Council to restore the position of United Nations Special Rapporteur on the situation of human rights in Iran with the task of investigating and reporting on human rights abuses in Iran.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 4732. Mr. DURBIN (for Mr. LEAHY) proposed an amendment 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.

SA 4733. Mr. DURBIN (for Mr. WEBB) proposed an amendment to the bill S. 1774, for the relief of Hotaru Nakama Ferschke.

#### TEXT OF AMENDMENTS

SA 4732. Mr. DURBIN (for Mr. LEAHY) proposed an amendment 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; as follows:

On page 2, strike lines 8 through 18 and insert the following:

United States Code, is amended—

(1) in subsection (a), in the matter preceding paragraph (1)—

(A) by inserting "that is" after "or criminal prosecution";

(B) by inserting "and that is" after "in a State court"; and

(C) by inserting "or directed to" after "against"; and

(2) by adding at the end the following:

"(c) As used in subsection (a), the terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court."

On page 3, strike lines 4 through 19 and insert the following:

"(g) Where the civil action or criminal prosecution that is removable under section 1442(a) is a proceeding in which a judicial order for testimony or documents is sought or issued or sought to be enforced, the 30-day requirement of subsections (b) and (c) is satisfied if the person or entity desiring to remove the proceeding files the notice of removal not later than 30 days after receiving, through service, notice of any such proceeding."

On page 3, strike line 23 and all that follows through page 4, line 6, and insert the following:

#### SEC. 3. PAYGO COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 4733. Mr. DURBIN (for Mr. WEBB) proposed an amendment to the bill S. 1774, for the relief of Hotaru Nakama Ferschke; as follows:

At the end, add the following:

(e) PAYGO.—The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, December 3, 2010, at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following staff be allowed floor privileges during the consideration of the tax bill: Mary Baker, Danielle Dellerson, Andrew Fishburn, William Kellogg, Nicole Lemire, Deborah Ma, Nicole Marchman, John Merrick, Kane Ossorio, Manishi Rodrigo, and Greg Sullivan.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

# NATIONAL AND COMMERCIAL SPACE PROGRAMS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 371, H.R. 3237.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3237) to enact certain laws relating to national and commercial space programs as title 51, United States Code, National and Commercial Space Programs.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3237) was ordered to a third reading, was read the third time, and passed.

## CAPTA REAUTHORIZATION ACT OF 2010

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 670, S. 3817.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3817) to amend the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Abandoned Infants Assistance Act of 1988 to reauthorize the Acts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 3817

*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 “CAPTA Reauthorization Act of 2010”.

## TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

### SEC. 101. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) in [2007, approximately 794,000 American children were] *fiscal year 2008, approximately 772,000 children were found by States to be victims of child abuse and neglect;*”;

(2) in paragraph (2)—

[(A) in subparagraph (A), by inserting “, and more than 34 percent of child fatalities in 2007 were attributed to neglect” after “maltreatment”; and]

(A) in subparagraph (A), by inserting “and close to 1/5 of all child maltreatment-related fatalities in fiscal year 2008 were attributed to neglect alone” after “maltreatment”; and

(B) in subparagraph (B)—

(i) by striking “60 percent” and inserting “[59]71 percent”;

(ii) by striking “2001” and inserting “[2007]” *“fiscal year 2008”*;

(iii) by striking “19 percent” and inserting “[11]16 percent”;

(iv) by striking “10 percent” and inserting [“slightly less than 8 percent”] *“9 percent”*; and

(v) by striking “and 7 percent suffered emotional maltreatment” and inserting “, [4 percent suffered psychological maltreatment, and 13 percent were victims of multiple maltreatments] *7 percent suffered psychological maltreatment, 2 percent experienced medical neglect, and 9 percent were victims of other forms of maltreatment;*”;

(3) in paragraph (3)—

(A) in subparagraph (A) by inserting “or neglect” after “abuse”;

(B) in subparagraph (B), by striking “2001, an estimated 1,300” and inserting [“2007, an estimated 1,760”] *“fiscal year 2008, an estimated 1,740”*; and

(C) in subparagraph (C)—

(i) by inserting “in [2007] *fiscal year 2008,*” after “(C)”;

(ii) by striking “41 percent” and inserting “[42]45 percent”;

(iii) by striking “85 percent” and inserting “[76]72 percent”;

(iv) by striking “6 years” and inserting “4 years”; and

(v) by striking “abuse” each place it appears and inserting “maltreatment”;

(4) in paragraph (4)(B), by striking “slightly” and all that follows and inserting “approximately [38]37 percent of victims of child abuse did not receive post-investigation services in [2007] *fiscal year 2008;*”;

(5) by redesignating paragraphs (5) through (13) as paragraphs (6) through (11) and (13) through (15), respectively;

(6) by inserting after paragraph (4) of this section the following:

“(5) African-American children, American Indian children, Alaska Native children, and children of multiple races and ethnicities experience the highest rates of child abuse or neglect;”;

(7) in paragraph (6), as redesignated by paragraph (5) of this section—

(A) in subparagraph (A), by inserting “domestic violence services,” after “mental health,”; and

(B) by amending subparagraph (E) to read as follows:

“(E) recognizes the diversity of ethnic, cultural, and religious beliefs and traditions that may impact child rearing patterns, while not allowing the differences in those beliefs and traditions to enable abuse or neglect;”;

(8) by inserting after paragraph (11), as redesignated by paragraph (5) of this section, the following:

“(12) because both child maltreatment and domestic violence occur in up to 60 percent of the families in which either is present, States and communities should adopt assessments and intervention procedures aimed at enhancing the safety both of children and victims of domestic violence;”;

(9) in paragraphs (14) and (15), as redesignated by paragraph (5) of this section, by striking “Federal government” and inserting “Federal Government”; and

(10) in paragraph (14), as redesignated by paragraph (5) of this section, by inserting “and” at the end.

## Subtitle A—General Program

### SEC. 111. ADVISORY BOARD.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking “medicine (including pediatrics)” and inserting “health care providers (including pediatricians)”;

(B) in paragraph (12), by striking “and”;

(C) in paragraph (13), by striking the period and inserting “; and”; and

(D) by adding at the end the following:

“(14) Indian tribes or tribal organizations.”; and

(2) in subsection (f)—

(A) in paragraph (1), by inserting “tribal,” after “State,” each place such term appears; and

(B) in paragraph (2)—

(i) by striking “abuse or neglect which” and inserting “child abuse or neglect which”; and

(ii) by striking “Federal and State” and inserting “Federal, State, and tribal”.

### SEC. 112. NATIONAL CLEARINGHOUSE.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (a), by inserting “and neglect” before the period;

(2) in subsection (b)—

(A) by redesignating paragraphs (2) through (5) as paragraphs (4) through (7), respectively;

(B) by striking paragraph (1) and inserting the following:

“(1) maintain, coordinate, and disseminate information on [all] effective programs, including private and community-based programs, that have demonstrated success with respect to the prevention, assessment, identification, and treatment of child abuse or neglect and hold the potential for [broad scale] *broad-scale* implementation and replication;

“(2) maintain, coordinate, and disseminate information on the medical diagnosis and treatment of child abuse [or] *and* neglect;

“(3) maintain and disseminate information on best practices relating to differential response;”;

(C) in paragraph (4), as redesignated by subparagraph (A) of this paragraph, by inserting “and disseminate” after “maintain”;

(D) in paragraph (5), as redesignated by subparagraph (A) of this paragraph—

(i) in subparagraph (B), by inserting “(42 U.S.C. 5105 note)” before the semicolon; and

(ii) in subparagraph (C), by striking “alcohol or drug” and inserting “substance”;

(E) in subparagraph (C) of paragraph (6), as redesignated by subparagraph (A) of this paragraph, by striking “and” at the end;

(F) in subparagraph (B) of paragraph (7), as redesignated by subparagraph (A) of this paragraph, by striking “and child welfare personnel.” and inserting “child welfare, substance abuse treatment services, and domestic violence services personnel; and”; and

(G) by adding at the end the following:

“(8) collect and disseminate information, in conjunction with the National Resource Centers authorized in section 310(b) of the Family Violence Prevention and Services Act, on effective programs and best practices for developing and carrying out collaboration between entities providing child protective services and entities providing domestic violence services.”; and

(3) in subsection (c)(1)—

(A) by striking subparagraph (B) and inserting the following:

“(B) consult with the head of each agency involved with child abuse and neglect on the development of the components for information collection and management of such