

SEC. 773. TAA RECIPIENTS NOT ENROLLED IN TRAINING PROGRAMS ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Section 35(c)(2)(B) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SEC. 774. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IRC AMENDMENT.—Section 9801(c)(2)(D) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) ERISA AMENDMENT.—Section 701(c)(2)(C) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)(C)) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(c) PHSA AMENDMENT.—Section 2701(c)(2)(C) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)(C)) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2010.

SEC. 775. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) IN GENERAL.—Section 35(g)(9) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) CONFORMING AMENDMENT.—Section 173(f)(8) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(8)) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2010.

SEC. 776. EXTENSION OF COBRA BENEFITS FOR CERTAIN TAA-ELIGIBLE INDIVIDUALS AND PBGC RECIPIENTS.

(a) ERISA AMENDMENTS.—

(1) PBGC RECIPIENTS.—Section 602(2)(A)(v) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(2)(A)(v)) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(2) TAA-ELIGIBLE INDIVIDUALS.—Section 602(2)(A)(vi) of such Act (29 U.S.C. 1162(2)(A)(vi)) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(b) IRC AMENDMENTS.—

(1) PBGC RECIPIENTS.—Section 4980B(f)(2)(B)(i)(V) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(2) TAA-ELIGIBLE INDIVIDUALS.—Section 4980B(f)(2)(B)(i)(VI) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(c) PHSA AMENDMENTS.—Section 2202(2)(A)(iv) of the Public Health Service Act (42 U.S.C. 300bb-2(2)(A)(iv)) is amended by striking “December 31, 2010” and inserting “December 31, 2011”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to periods of coverage which would (without regard to the amendments made by this section) end on or after December 31, 2010.

SEC. 777. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS.

(a) IN GENERAL.—Section 35(e)(1)(K) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to coverage months beginning after December 31, 2010.

SEC. 778. NOTICE REQUIREMENTS.

(a) IN GENERAL.—Section 7527(d)(2) is amended by striking “January 1, 2011” and inserting “January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to certificates issued after December 31, 2010.

EXECUTIVE SESSION**EXECUTIVE CALENDAR**

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider en bloc Calendar Nos. 1174, 1175, 1176, 1177, 1178, 1179, 1204, 1214, and all nominations on the Secretary's desk in the Coast Guard and NOAA; that the nominations be confirmed en bloc and the motions to reconsider be laid upon the table en bloc; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed were as follows:

DEPARTMENT OF JUSTICE

Ripley Rand, of North Carolina, to be United States Attorney for the Middle District of North Carolina for the term of four years.

Charles M. Oberly III, of Delaware, to be United States Attorney for the District of Delaware for the term of four years.

William Conner Eldridge, of Arkansas, to be United States Attorney for the Western District of Arkansas for the term of four years.

Frank Leon-Guerrero, of Guam, to be United States Marshal for the District of Guam and concurrently United States Marshal for the District of the Northern Mariana Islands for the term of four years.

Charles Thomas Weeks II, of Oklahoma, to be United States Marshal for the Western District of Oklahoma for the term of four years.

Kenneth F. Bohac, of Illinois, to be United States Marshal for the Central District of Illinois for the term of four years.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Claude R. Kehler

IN THE COAST GUARD

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Captain Bruce D. Baffer
Captain David R. Callahan
Captain Richard T. Gromlich
Captain Frederick J. Kenney
Captain Marshall B. Lytle
Captain Stephen P. Metruck
Captain Fred M. Midgette

NOMINATIONS PLACED ON THE SECRETARY'S DESK**IN THE COAST GUARD**

PN2216 COAST GUARD nominations (2) beginning GREGORY J. HALL, and ending JOSEPH T. BENIN, which nominations were received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2217 COAST GUARD nomination of Andrew C. Kirkpatrick, which was received by the Senate and appeared in the Congressional Record of September 23, 2010.

PN2266 COAST GUARD nominations (6) beginning Julia A. Hein, and ending Susan L. Subocz, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2010.

PN2267 COAST GUARD nominations (59) beginning Thomas Allan, and ending Aylwyn S. Young, which nominations were received by the Senate and appeared in the Congressional Record of September 29, 2010.

PN2355 COAST GUARD nominations (182) beginning JOSEPH B. ABEYTA, and ending DAVID K. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of November 18, 2010.

PN2356 COAST GUARD nominations (135) beginning STEPHEN ADLER, and ending SCOTT A. WOOLSEY, which nominations were received by the Senate and appeared in the Congressional Record of November 18, 2010.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN2301 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (12) beginning DENISE J. GRUCCIO, and ending LINDSAY R. KURELJA, which nominations were received by the Senate and appeared in the Congressional Record of November 17, 2010.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CAPTA REAUTHORIZATION ACT OF 2010

Mrs. GILLIBRAND. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives with respect to S. 3817.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives.

Resolved, That the bill from the Senate (S. 3817) entitled “An Act 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”, do pass with an amendment.

The amendment is printed in the RECORD of December 8, 2010, at page H 8114.)

Mr. HARKIN. Mr. President, I want to start by thanking my friend and colleague Senator DODD. Throughout his career in the Senate, he has always made it a priority to protect and support America's children and families. I am delighted to reauthorize the Child Abuse Prevention and Treatment Act, Family Violence Prevention and Services Act, the Adoption Opportunity Act and the Abandoned Infants Assistance Act as we celebrate the congressional legacy of the distinguished senior Senator from Connecticut. Children and families will benefit from these and improvements in the system designed to prevent and serve victims of child abuse and neglect, as well as family, domestic, and dating violence.

I would also like to thank the Senator from Wyoming, Mr. ENZI, and the Senator from Tennessee, Mr. ALEXANDER, for working with us and showing a true commitment to getting this done. The efforts of the Senators and their staff were invaluable.

The legislation that was just passed and is being sent to the President is a step forward in improving child safety and strengthening critical services for children and families. At a time when there is little talk of successful bipartisan effort in Congress, this legislation is a reflection of changes we are able to make on behalf of American citizens when we work together, to do better for our Nation's children and families.

The need for this reauthorization is real. In my home State of Iowa, after a 2-year drop, the rates of child abuse rose 11 percent in 2009. The CAPTA Reauthorization Act of 2010 will help communities better meet the needs of our children. This reauthorization encourages states to provide high-quality prevention services to reduce abuse and neglect, ensures that investigations of allegations protect children and reduce trauma, and directs vital resources to communities that need them most. Each of these enhancements should ultimately result in improved systems for training and supporting adults charged with identifying, preventing, and responding to reports of abuse, neglect, and maltreatment; stronger coordination among service providers; and a renewed focus on the need to respond to the conditions that lead to abuse, neglect, and maltreatment in order to prevent them from occurring.

These are important steps, but we still have a lot of work to do. Rates of child abuse and neglect are still far too high across the country. Each year, an estimated 794,000 children are victims of child abuse or neglect. In its Child Maltreatment 2008 Report on Child Abuse and Neglect, the U.S. Department of Health and Human Services reported that, each year, 141,700 children are seriously injured, 18,000 are severely disabled, and 1,760 children die as a result of abuse or neglect. Children younger than 6 years of age accounted for 76 percent of child fatalities. Babies younger than one year of age accounted for 42 percent of child fatalities. Each of these children is one too many children who have suffered.

Similarly, we cannot ignore the 1.5 million women and 900,000 men who are raped or physically assaulted by a partner every year in the United States. Last year over 247,000 victims and their children were turned away because shelters were full or programs lacked resources. The services provided for through this reauthorization are essential. In one day alone in 2009, more than 65,000 victims of domestic violence and their children received lifesaving services from local domestic violence programs because of the services provided through FVPSA. By passing this reauthorization we have taken steps toward providing a better system.

I want to take a moment to mention those who have worked so hard on my staff. I would like to thank Dan Smith and Pam Smith, who do a great job on all of the undertakings of our committee. I would like to thank Bethany Little, David Johns, and Ashley Eden of my staff. David has been working on this for over 3 years; I especially appreciate his diligence and effort. I would also like to thank Senator DODD's staff Jim Fenton and Averil Pakulis. Also, as I mentioned, this has been a bipartisan effort, and I would also like to thank Senator ENZI's staff, Beth Buehlmann and Kelly Hastings as well as David Cleary from Senator ALEXANDER's staff. I am also grateful to Chairman MILLER and Ranking Member JOHN KLINE of the House Committee on Education and Labor and their excellent staff for the impressive work they did moving this bill quickly through the House. I appreciate the assistance of Lynn Rosenthal, the White House Adviser on Violence Against Women, in improving the Family Violence Prevention and Services Act. Vice President BIDEN has long been, and continues to be, a leader in this area and Lynn assisted him ably in this effort. This is a major undertaking, and to be able to get this kind of joint effort at time like this is a great tribute to all of those who have worked so hard. As always, we could not work without the excellent services of the Senate Office of Legislative Counsel, especially Liz King.

This is a critical step forward to ensuring the safety of America's children, youth and adults—let's keep walking forward together.

Mr. DODD. Mr. President, today the Senate passed the CAPTA Reauthorization Act of 2010, S. 3817, and cleared it for the President's signature. This bill reauthorizes several important statutes—the Child Abuse Prevention and Treatment Act, CAPTA, and the Family Violence Prevention and Services Act, FVPSA, the Adoption Opportunities Act, and the Abandoned Infants Assistance Act. I would like to thank Chairman HARKIN for his work on this reauthorization, and for his tireless efforts on behalf of abused and neglected children and victims of domestic and dating violence. I would also like to thank the ranking member of our committee, Senator ENZI, and the ranking member of my Subcommittee on Children and Families, Senator ALEXANDER. They have been good partners in this process. I also thank Chairman MILLER, who brought this bill to the House floor this week and worked hard to ensure that we passed it before adjourning for the year.

I would also like to thank the great work of the advocate communities that work constantly to protect children and victims of domestic and dating violence, including the National Child Abuse Coalition and the National Task Force to End Violence Against Women. Work on this reauthorization would not have been possible without the ex-

pertise and on-the-ground knowledge that these groups possess.

The numbers of children abused or neglected and individuals affected by domestic and dating violence are astounding and intolerable. In fiscal year 2008, 772,000 children were victims of abuse and neglect, 1,740 children died due to abuse or neglect, and 38 percent of victims of abuse did not receive postinvestigative services. Nearly one in four women is abused by a partner in her adult life, three women are killed by a partner each day in this country, and 15.5 million children are exposed to domestic violence each year. We cannot be complacent on these issues with numbers like this.

The programs authorized under CAPTA and FVPSA provide vital direct services and prevention efforts to the victims they target. I am pleased with some of the improvements we were able to make to these programs in this reauthorization bill.

CAPTA funds State and discretionary grants designed to help States strengthen their child protective service agencies to prevent and treat child abuse and neglect, including research, home visitation, outreach, and education. It also funds community-based efforts to develop, operate, expand, enhance, and coordinate initiatives aimed at strengthening and supporting families in the prevention of child maltreatment, and to foster an understanding of diverse populations to more effectively prevent and treat child abuse and neglect.

For CAPTA, our bill encourages States to adopt a differential response model in working with at-risk families to improve their outcomes and prevent child abuse and neglect from ever occurring; addresses the co-occurrence of child abuse and neglect along with domestic violence, mental health problems, and substance abuse disorders; strengthens data collection regarding our child protection service systems in States; and increases parental involvement in the planning and implementation of programs under these grants, to better meet the needs of children.

FVPSA is the primary Federal funding stream for domestic violence shelters and direct services to victims of domestic violence and their children. Over 2,000 shelters and programs receive grant funding under FVPSA, which provide emergency shelters, hotlines, counseling and advocacy, and primary and secondary prevention for victims of domestic violence. For FVPSA, our bill recognizes dating violence victims as recipients of FVPSA services, and acknowledges that women between the ages of 16 and 24 are at greatest risk for being victims of domestic violence; addresses the needs of underserved populations that find it challenging to access FVPSA services; and codifies a program to provide services for children exposed to violence in their homes and communities.

The Abandoned Infants Assistance Act provides assistance to abandoned

infants by supporting recruitment of and training for foster families. The Adoption Opportunities program is designed to promote adoption, eliminate barriers to adoption, and provide permanent, loving homes for children, especially children with special needs. Adoption promotion and post-adoption support are both critical components in successfully achieving the goals of the program and I am pleased that our bill reauthorizes these two programs as well.

We have an enormous responsibility to provide for some of our most vulnerable citizens—children who have been abused or neglected, victims of domestic violence and their children, children who have been abandoned, and those awaiting adoption. The programs reauthorized under S. 3817 represent some of the Federal Government's best approaches for addressing these issues and challenges and I am pleased to see this Chamber recognizing their importance.

I would again like to thank my colleagues for their work on this important bill and pledge to continue to do the work we need to and have the responsibility to do to prevent child abuse and neglect, and domestic and dating violence in this country.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, 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.

JOHANNA'S LAW REAUTHORIZATION ACT

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 676, H.R. 2941.

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

The legislative clerk read as follows:

A bill (H.R. 2941) to reauthorize and enhance Johanna's Law to increase public awareness and knowledge with respect to gynecologic cancers.

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 an amendment to strike all after the enacting clause and insert in lieu thereof the following:

H.R. 2941

SECTION 1. REAUTHORIZATION AND ENHANCEMENT OF JOHANNA'S LAW.

(a) *IN GENERAL.*—Section 317P(d) of the Public Health Service Act (42 U.S.C. 247b–17(d)(4)) is amended—

(1) in paragraph (4), by inserting after “2009” the following: “and \$18,000,000 for the period of fiscal years 2012 through 2014”; and

(2) by redesignating paragraph (4) as paragraph (6).

(b) *CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.*—Section 317P(d) of such Act (42 U.S.C. 247b–17(d)), as amended by subsection (a), is further amended by inserting after paragraph (3) the following:

“(4) *CONSULTATION WITH NONPROFIT GYNECOLOGIC CANCER ORGANIZATIONS.*—In carrying out the national campaign under this subsection, the Secretary shall consult with non-profit gynecologic cancer organizations, with a mission both to conquer ovarian or other gynecologic cancer and to provide outreach to State and local governments and communities, for the purpose of determining the best practices for providing gynecologic cancer information and outreach services to varied populations.”.

Mrs. GILLIBRAND. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, be read a third time and passed, the motions 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 committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2941), as amended, was read the third time and passed.

WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2009

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 219, S. 372.

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

The legislative clerk read as follows:

A bill (S. 372) to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Whistleblower Protection Enhancement Act of 2009”.

TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) *IN GENERAL.*—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i)—

(A) by striking “a violation” and inserting “any violation”; and

(B) by adding “except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties,” after “regulation,”; and

(2) in subparagraph (B)(i)—

(A) by striking “a violation” and inserting “any violation (other than a violation of this section)”;

(B) by adding “except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties,” after “regulation,”.

(b) *PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(B)(9).*—

(1) *TECHNICAL AND CONFORMING AMENDMENTS.*—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting “or section 2302(b)(9)(A)(i), (B)(i), (C), or (D)” after “section 2302(b)(8)” or “(b)(8)” each place it appears.

(2) *OTHER REFERENCES.*—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221, by inserting “or protected activity” after “disclosure” each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

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

“(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

“(i) with regard to remedying a violation of paragraph (8); or

“(ii) with regard to remedying a violation of any other law, rule, or regulation;”;

(ii) in subparagraph (B), by inserting “(i) or (ii)” after “subparagraph (A)”.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

“(f) A disclosure shall not be excluded from subsection (b)(8) because—

“(1) the disclosure was made during the normal course of the duties of the employee;

“(2) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

“(3) the disclosure revealed information that had been previously disclosed;

“(4) of the employee or applicant's motive for making the disclosure;

“(5) the disclosure was not made in writing;

“(6) the disclosure was made while the employee was off duty; or

“(7) of the amount of time which has passed since the occurrence of the events described in the disclosure.”.

SEC. 102. DEFINITIONAL AMENDMENTS.

(a) *DISCLOSURES.*—Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking “and” at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) ‘disclosure’ means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

“(i) any violation of any law, rule, or regulation, except for an alleged violation that is a minor, inadvertent violation, and occurs during the conscientious carrying out of official duties; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”.

(b) *CLEAR AND CONVINCING EVIDENCE.*—Sections 1214(b)(4)(B)(ii) and 1221(e)(2) of title 5, United States Code, are amended by adding at the end the following: “For purposes of the preceding sentence, ‘clear and convincing evidence’ means the degree of proof that produces in the mind of the trier of fact a firm belief as to the allegations sought to be established.”.

SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

“This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information