

work together to fix it. I will keep fighting for these young people who are raised in America and I will continue to work to pass AgJobs.

And we cannot rest until other important judicial nominees are confirmed, including professor Goodwin Liu for the Ninth Circuit Court of Appeals, Judge Edward Chen for the Northern District of California, Judge Edward Davila for the Northern District of California, and Judge Anthony Battaglia for the Southern District of California.

While we passed legislation to help the 9/11 first responders, now we must finish the work of making sure our firefighters and public safety workers have fair working conditions.

I will also keep working to pass important bills that we approved in committee this year to protect our public lands, waterways and ocean resources, including legislation to help restore the Chesapeake Bay, the Great Lakes, Lake Tahoe, and the San Francisco Bay.

I am grateful to the people of the California for the opportunity to represent them in the United States Senate. I look forward to hearing their ideas as we continue our work in the 112th Congress next year.

#### HONORING OUR ARMED FORCES

Mr. NELSON of Florida. Mr. President, I pay tribute during this holiday season to the men and women serving our Nation so nobly across the globe. As we mark the 10th year our Nation has been engaged in combat, we should all be reminded of the extraordinary sacrifice of our soldiers, sailors, airmen, marines, and coast guardsmen.

As we gather with our loved ones, we must not forget those servicemembers who cannot be with their families and friends this holiday season. We honor these men and women risk their lives to protect our freedom and way of life. The one constant in this uncertain time is the heroism of people who so willingly fight for freedom. The strength of our Nation is built on their devotion and sacrifice.

SPECIALIST KELLY J. MIXON

I rise today to honor the fallen, like Army SPC Kelly J. Mixon of Yulee, FL, who was killed by an improvised explosive device in Afghanistan on December 8. Specialist Mixon would be 24 years old on Christmas Eve. Sadly, he will be buried in Arlington National Cemetery on December 29.

To the many men and women who have given the last measure of freedom, our country will remember your bravery and patriotism. To the families of these fallen servicemembers, we can never express enough gratitude for the sacrifice you must bear. On behalf of the people of Florida and our Nation, our prayers are with you.

#### COMPREHENSIVE DATA PRIVACY

Mr. LEAHY. Mr. President, as we approach the end of another year—and

the end of the 111th Congress—millions of Americans continue to face growing threats to their privacy and security because of data security breaches involving their most sensitive personal information. Last year, I reintroduced the Personal Data Privacy and Security Act—a bipartisan and comprehensive bill that will better protect Americans from the growing threats of data breaches and identity theft. I am disappointed that the Senate will adjourn for the year without considering this important privacy legislation.

This long overdue privacy bill would establish a national standard for breach notification and requirements for securing Americans' most sensitive personal data. The bill—as improved by my manager's amendment—strikes the right balance to protect privacy, promote commerce, and successfully combat identity theft. I urged the Senate to consider and pass this important privacy legislation before we adjourn for the year. Despite its bipartisan approval by the Judiciary Committee, the ranking Republican is objecting and refusing to allow the Senate to proceed.

When I first introduced this bill 6 years ago, I had high hopes of bringing urgently needed data privacy reforms to the American people. I have worked closely with both Republican and Democratic Senators since to enact this important privacy legislation. Although the Judiciary Committee favorably reported this bill three times—in 2005, 2007, and yet again in 2009—it remains stalled on the Senate Calendar. While the Senate has waited to act, the dangers to our privacy, economic prosperity, and national security posed by data breaches have not gone away.

The recently reported cyber attacks in response to the WikiLeaks disclosures are fresh reminders of the urgent need to have national standards to protect the privacy of America's digital information. In June, the insurance company WellPoint, Inc., announced that 470,000 individuals who used the company's Web site to apply for insurance may have unwittingly exposed their Social Security numbers and other sensitive data to the public. Just last month, the University of Hawaii suffered a major data breach involving sensitive student data, including Social Security numbers, dates of birth, names, and grades. And a recent data breach at the Department of Veterans Affairs resulted in the unauthorized release of the Social Security numbers and other personal information of at least 180 of our veterans. These troubling data breaches are painful reminders of the need to enact comprehensive Federal data privacy legislation this year.

This bill offers meaningful solutions to the vexing problem of data security breaches. It requires that data brokers let consumers know what sensitive personal information they have about them and to allow individuals to correct inaccurate information. The bill

also requires that companies that have databases with sensitive personal information on Americans establish and implement data privacy and security programs.

In addition, the bill requires notice when sensitive personal information has been compromised. The bill provides for tough criminal penalties for anyone who would intentionally and willfully conceal the fact that a data breach has occurred when the breach causes economic damage to consumers. Finally, the bill addresses the important issue of the government's use of personal data.

I am pleased that the Obama administration has recently issued two privacy reports that make recommendations to improve data privacy that are consistent with the approach adopted in my bill.

I drafted this bill after long and thoughtful consultation with many of the stakeholders on this issue, including the privacy, consumer protection, and business communities. I have also worked closely with other Senators, including Senators FEINSTEIN, HATCH, FEINGOLD, SPECTER, and SCHUMER.

This is a comprehensive bill that not only deals with the need to provide Americans with notice when they have been victims of a data breach but that also deals with the underlying problem of lax security to help prevent data breaches from occurring in the first place. The House of Representatives has passed comprehensive data privacy legislation. The Senate should also pass comprehensive data privacy legislation and should have done so this Congress.

There has been ample time to resolve any concerns, but still there are those who are refusing to allow the Senate to act. We cannot afford to continue to wait to address this important privacy issue. The American people are suffering the consequences of that inaction.

#### CONTROLLED SUBSTANCES ACT

Mr. KOHL. Mr. President, the basic outline of legislative changes to the Controlled Substances Act that we expect to receive from the Department of Justice are as follows:

The legislation will deem certain nurses or other licensed health care professionals, who are designated by the nursing home as agents of DEA-licensed practitioners (practitioners being the resident's attending physician or specialist), as authorized to transmit the practitioner's order for a controlled substance, specifically Schedule II drugs, to DEA-licensed pharmacies, either orally or by fax. The nursing home, while not licensed by DEA, will be responsible for designating those who are authorized to transmit a practitioner's order, and for making a list of such authorized agents available to the pharmacy.

Whenever oral or faxed orders for controlled substances come in from authorized agents, pharmacies will be required to verify, based on the nursing home's list, that the nurse is authorized to call or fax in the practitioner's order. This chain-of-accountability process will allow the practitioner to

give oral instructions for ordering a controlled substance to the resident's nurse over the phone. In addition, practitioners will be permitted to opt out with certain employees, should a practitioner have a problem with a particular nurse or designee.

Both practitioners and the nursing home will be required to keep written logs, or records, of such oral (or faxed) orders that are submitted by nurses. The nursing home will be further required to keep the list of authorized nurses current and to immediately notify the pharmacy of any changes in this list. Nurses or other licensed health care professionals who are authorized as agents by the nursing home will be required to formally acknowledge their responsibility for ordering and administering controlled substances by accepting liability in terms of certain penalties that would apply under the Controlled Substances Act if they engage in diversion or other unacceptable practices.

Pharmacies will also be required to maintain logs, or records, of the orders that are placed by authorized nurse agents. Pharmacies will be further required to make telephone (or fax) contact with the resident's practitioner, under whose authority the controlled substances were ordered, within 48 hours of the time that the authorized agent transmits the order. The pharmacy will then be required to verify, and record, that the practitioner ordered a controlled substance. The practitioner will also be required to provide a written prescription to the pharmacy for the controlled substance within 10 days of the time that the authorized nurse agent transmits the order. Additional reasonable safeguards may be included.

#### TRIBUTE TO AMBASSADOR BATU KUTELIA

Mr. KERRY. Mr. President, I rise today to mention a distinguished Ambassador who is leaving Washington after a regrettably short tenure. Batu Kutelia, Ambassador of Georgia to the United States, is returning to his country to assume an important post in his government as Deputy National Security Adviser.

Although Ambassador Kutelia was only in Washington as Ambassador for less than 2 years, he and his wife Sofia and their young family will be missed by the many friends they leave behind. He will also be remembered for reinforcing and advancing his country's relations with the United States.

Ambassador Kutelia represented Georgia in Washington in challenging times. Following the 2008 war with Russia, in which he served as First Deputy Minister of Defense, the Ambassador helped facilitate the economic and political assistance necessary to rebuild and continue Georgia's economic development. He also ensured that Georgia's agenda within the U.S.-Georgia Charter on Strategic Partnership was ambitious and serious. Ambassador Kutelia's work with our government on the training of Georgian forces participating in the NATO International Security Assistance Force mission expedited their successful deployment to Afghanistan.

Ambassador Kutelia possesses a sophisticated understanding of Congress and its responsibilities within our democratic system. He was extremely

accessible, maintaining strong working relationships and friendships with many Members and staffers. During the Ambassador's tenure, it is a fact that Georgia had a persuasive and effective representative whose passion for his nation never flagged and whose engagement with Congress far exceeded that of bigger countries with much larger embassies. Rarely did a Georgian official pass through Washington without at least one interaction with Congress, an admirable record which did a great deal to stimulate interest and engagement between the United States and the country of Georgia.

Many of us on Capitol Hill have come to know and respect Georgia and its people. Georgia's future will be written by young leaders such as Batu Kutelia. I cannot help but believe that the country's future will be bright if it continues to produce leaders of his caliber. I wish him the best at his coming service in Tbilisi.

#### DON'T ASK, DON'T TELL

Mr. FEINGOLD. Mr. President, the repeal of the discriminatory don't ask, don't tell law will mean a stronger and more secure America. Discrimination has no place in American society, especially when it undermines our national security by hampering military readiness. While the repeal of this law is long overdue, ending this harmful policy does mark an important moment in the fight for equal rights for all Americans. I applaud all those who worked to overturn this policy, the many Americans who advocated for its repeal, and the patriotic men and women who will now be able to openly serve their country.

#### ALASKA CONSERVATION PARITY ACT

Mr. BEGICH. Mr. President, I want to take this opportunity to discuss an issue of importance to Alaska Native communities. The legislation currently under consideration would extend through 2011 the enhanced tax incentive for donations of qualified conservation easements. Unfortunately, Alaskan Native communities are ineligible under this provision and, as a result, do not have access to the tools they need to permanently protect historical or critical habitat.

For thousands of years, Alaska has been home to Native communities, whose rich heritages, languages, and traditions have thrived in the region's unique landscape. These communities continue to engage in a traditional subsistence lifestyle and harvest their food from the land. Nearly 70 percent of Native communities' food comes from the land and, for many communities, subsistence is an economic necessity considering the cost and difficulty involved in purchasing food.

I, along with my colleague, Ms. MURKOWSKI, have proposed legislation, S. 1673, which would provide parity. Our

proposal is imperative to the long-term survival of Alaska-Native communities and Alaska's nature resources, which makes this critical legislation timely. Development pressures are increasingly significantly in many parts of Alaska. This legislation will allow private land owned by Alaska Native communities to be protected, while facilitating development that will spur needed economic activity and job growth.

We have worked with the Senate Finance Committee over the past 2 years to ensure that this provision is ready for enactment. It is widely supported by the conservation community. I was hopeful it would be included in the end-of-the-year tax package the Senate is currently considering. Since the Senate was unable to address Alaska Native conservation parity before the end of the 111th Congress, I would be interested in learning, from the chairman of the Finance Committee, what his plans are for advancing the proposal in the 112th Congress.

Mr. BAUCUS. I am happy to respond to Mr. BEGICH from Alaska. I support the conservation easement deduction and sympathize with the Senator's efforts. I will work with Mr. BEGICH and Ms. MURKOWSKI to address conservation issues in the new Congress.

Mr. BEGICH. I thank you, Mr. BAUCUS. I appreciate the Senator's support on this issue, and look forward to working with him and my other Senate colleagues to pass this much needed piece of legislation as soon as an opportunity presents itself in the new Congress.

#### MAIL ORDER PHARMACY RATINGS

Mr. AKAKA. Mr. President, I commend the Department of Veterans Affairs on a very impressive recent achievement. The Department's mail-order pharmacy program was recently rated as top in the Nation among mail-order pharmacies by J.D. Power and Associates in their 2010 U.S. National Pharmacy Study.

VA received a score of 888 points out of a maximum possible score of 1,000. The Department did not receive an award for this achievement because their pharmacy service is only open to veterans and their families, but they did outscore the award recipient by a full 34 points, and the mail-order pharmacy average by 70 points. VA's program received the highest scores in the J.D. Power categories of overall experience, prescription ordering, prescription delivery, and cost competitiveness.

This is an extraordinary achievement, not only to be rated first in the Nation, but to so highly exceed the private sector. I congratulate VA, and especially commend Secretary Shinseki and Mr. Michael Valentino, Chief Consultant, Pharmacy Benefits Management Services, for their exceptional leadership success in implementing the mail-order pharmacy program.