

Senate Committee on Health Education, Labor and Pensions, HELP; and the Senate Energy and Natural Resources Committee. As before, Matt Sonnesyn, who participated in the last America COMPETES effort provided a stable and steady push to keep the bill on track. In the Commerce Committee, Ann Zulkosky on Senator ROCKEFELLER's staff worked long hours through a markup and subsequent staff drafts of the bill while at the same time managing to reauthorize NASA. Maryam Khan and Hugh Derr on Senator Hutchinson's staff worked with Ann throughout this time; Robin Juliano on Senator HARKIN's staff on the HELP committee worked with Christopher Eyler on Senator ENZI's HELP staff to ensure education programs were updated where appropriate; Jonathan Epstein on my Energy Committee staff worked tirelessly, as he did on the original bill, and along with Isaac Edwards on Senator MURKOWSKI's Energy Committee staff worked through energy programs and updated them to account for changes since the last COMPETES Act.

There are other important staff I would like to acknowledge who made this effort in the Senate a success: David Cleary on the HELP Committee, Adam Rondinone and Neena Imam in Senator ALEXANDER's personal office, Ann Begeman, Senator Hutchinson's Commerce Committee Staff Director, Ellen Doneski, staff director for the majority and Chris Martin, Andrew Ruffin, Bruce Andrews, and Brian Hendricks of the Commerce Committee; Trudy Vincent, my legislative director and Peter Zamora, my education counsel; Robyn Hiestand on the Budget Committee, Rachel Sotsky in Senator LIEBERMAN's personal office, Lula Davis, the secretary for the majority, Tim Mitchell on Senator REID's floor staff, Laura Dove the assistant secretary for the minority and Bob Simon, my Energy Committee staff director. Finally, I need to give a special thanks to the legislative counsels who worked with staff to accurately draft the bill—Lloyd Ator on the Commerce Committee, Amy Gaynor who drafted the HELP Committee text and Gary Endicott who drafted the Energy Committee text.

As you can see, the America COMPETES Act involved a large number of bipartisan staff, all working together for the common goal of promoting the ability of our nation to compete in a global economy. I am grateful to all of the them for their hard work.

I am also delighted that today, December 21, the House of Representatives passed this bill as well.

LEONHART NOMINATION

Mr. KOHL. Madam President, I rise to announce that I have lifted the hold I placed earlier this month on Michele Leonhart's nomination to be Administrator of the U.S. Drug Enforcement Agency, DEA. I had placed the hold re-

luctantly after numerous failed attempts to work with the agency for over a year on the issue of delivering pain medication to nursing home residents in a timely matter.

At a Special Committee on Aging hearing I chaired earlier this year, panelists detailed a recent DEA enforcement initiative that has delayed many nursing home patients from receiving much-needed medication to control their pain. For several years, nurses had been able to call into pharmacies urgently needed prescriptions following a doctor's order. Pharmacies would fill the order, patients would get their pain medication, and doctors would follow up with written confirmation of the prescription. Due to the DEA's new enforcement initiative, pharmacies face huge administrative fines if they continue to follow this practice. Most disturbingly, nursing home residents sometimes must endure the pain for hours or even days as nursing home staff try to adhere to the newly enforced regulations. Finally, nursing homes have been forced to send frail and pain-ridden residents to the emergency room, at great cost, simply to get pain medication that they used to be able to get in their nursing home.

At Ms. Leonhart's nominating hearing before the Judiciary Committee in November, I expressed my disappointment that the DEA had not followed through on the pledges made to the Aging panel in March to work with us to address the problem swiftly. Nearly 2 weeks after her confirmation hearing—and three months after submitting a draft proposal to DEA—I was told that any solution would require each State to grant nursing homes the authority to dispense controlled substances pain medications. However, any solution requiring "state-by-state" action would take many years to achieve. The urgent pain relief situation in nursing homes will not permit such a long-term approach. When the Judiciary Committee approved Ms. Leonhart's nomination, I asked to see meaningful progress on the issue prior to her final confirmation.

I am pleased to have recently received Attorney General Eric Holder's assurance that he will promptly deliver the DOJ's support for a legislative fix. As a result of our discussion, I am releasing the hold on Michele Leonhart's nomination, and I look forward to introducing a mutually acceptable legislative fix in the opening days of the 112th Congress.

Based on our agreement, DOJ will deliver draft legislation to me in January to permit the timely delivery of pain medications to nursing home residents. The legislation will deem certain nurses or other licensed health care professionals to be "authorized agents." Those agents will be chosen and designated by the nursing home as agents of DEA-licensed practitioners—practitioners being the resident's attending physician or specialist. They will be authorized to transmit the

practitioner's order for a controlled substance, specifically schedule II drugs, to DEA-licensed pharmacies orally or by fax. The nursing home, while not licensed by DEA, will designate those authorized to transmit a practitioner's order and to make a list of those authorized agents available to the pharmacy. In exchange, nursing homes, practitioners, and pharmacies will be required to take certain steps to verify their accountability.

I happily submit for the record a document detailing the specifics of our agreed-upon framework for the legislation outlined above. I am confident that it will ensure our mutual interests are met by enabling nursing home residents to have the pain medication they need while preventing drug diversion and misuse. I would like to thank Attorney General Holder for his strong commitment to seeing that a Federal legislative solution can be moved forward in the opening weeks of the 112th Congress. After all, time is of the essence for nursing home residents who are in need of immediate pain relief.

CONFIRMATION OF ALBERT DIAZ

Mr. CARDIN. Madam President, I am pleased the Senate has confirmed the nomination of Albert Diaz of North Carolina to be a U.S. circuit judge for the Fourth Circuit.

Judge Diaz is strongly supported by his home State Senators, Senators HAGAN and BURR, and he received the highest possible rating of "well qualified" from the American Bar Association's rating committee. The process Senators HAGAN and BURR used to recommend these nominations to the President—working in a bipartisan fashion with each other and the White House—is a model for how we can improve the judicial selection and confirmation process going forward.

I chaired the confirmation hearing for Judge Diaz in December 2009, and in January 2010 the Judiciary Committee unanimously approved his nomination by a 19-0 vote.

I am disappointed that it has taken the Senate almost a full year to take final action on this nomination.

I take a special interest in the Fourth Circuit, as it includes my home State of Maryland. When President Bush was in office, in May 2008 I chaired the confirmation hearing for Justice Steven Agee, who served on the Virginia Supreme Court and was confirmed to be a U.S. circuit judge for the Fourth Circuit. Since President Obama has taken office, in April 2009 I chaired the confirmation hearing for Judge Andre Davis of Maryland, a Federal district judge in Baltimore, who was confirmed last year to be a judge on the Fourth Circuit. In October 2009, I chaired the confirmation hearing of Justice Barbara Keenan of Virginia, who had served on the Virginia Supreme Court and was confirmed in March of this year by the Senate. Finally, in December 2009, I chaired the