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 Panhandle for the opportunity they represent to 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 nobly across the globe. As we mark the end of another year and 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 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 a bipartisan transaction, 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 bill’s sponsors 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 our 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, and other personal data.

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 the 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

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 privacy advocates, 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 significant concerns of 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 practitioner or his delegate, to be DEA-licensed practitioners (practitioners being the resident’s attending physician or specialist), as authorized to transmit the practitioner’s orders. 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 the dispensing of controlled substances comes in from authorized agents, pharmacies will be required to verify, based on the nursing home’s list, that the one is authorized 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 their pharmacy practice have a problem with a particular nurse or designee.

Both practitioners and the nursing home will be required to keep written logs, or records, for specified orders that are or will be submitted by nurses. The nursing home will be further required to keep the list of authorized nurses current and to immediately verify nurses’ 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 controlled substances. 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.

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**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 remained on track, and successfully brought the country of Georgia.

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.

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**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 70 points, and the J.D. Power and Associates 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 Operating Officer, for leading the pharmacy service to this success.