

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 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

confirmation hearing of James Wynn of North Carolina, who had served as an associate judge of the North Carolina Court of Appeals, and was confirmed by the Senate in August 2010.

I mention these nominations by way of background for my colleagues, because the Fourth Circuit has had one of the highest vacancy rates in the country. When I came to the Senate in 2007, out of the 15 seats authorized by Congress, 5 of the seats of the Fourth Circuit were vacant. That means that one-third of the court's seats were vacant. Our circuit courts of appeals are the final word for most of our civil and criminal litigants, as the Supreme Court only accepts a handful of cases.

We should also be working to increase the diversity of the judges of the Fourth Circuit. The Fourth Circuit is one of the most diverse circuits in the Nation, according to the most recent Census estimates. In terms of the Fourth Circuit—which consists of Maryland, Virginia, West Virginia, North Carolina and South Carolina—22 percent of the residents are African American. In my home State of Maryland, African Americans constitute 30 percent of the population. By way of comparison, the U.S. population is 12 percent African American.

Ironically, the judges on the Fourth Circuit have not historically been known for their diversity. The first woman to sit on the Fourth Circuit was not appointed until 1992. The first African American to sit on the Fourth Circuit was not appointed until 2001.

In recent years I am pleased that the Fourth Circuit has indeed become more diverse and representative of the population it oversees. The Senate took another important step forward to increase diversity on the Fourth Circuit with the confirmation of Judge James Wynn before our August recess. I am pleased that 4 out of the 15 judges on the Fourth Circuit—about one-quarter of the court—are now African American. And I am also pleased that in 2007, for the first time in history, a woman served as chief judge of the Fourth Circuit. Until a vacancy occurred last year, women made up 3 out of the 15 judges on the Fourth Circuit, or one-fifth of the court. I look forward to further increasing the diversity of the Fourth Circuit in the future.

With the nomination of Judge Diaz, the Senate has another opportunity to increase diversity on the Fourth Circuit. Judge Diaz is the first Latino judge to ever sit on the Fourth Circuit in its history.

Judge Albert Diaz also comes to the Senate with a broad range of both judicial and legal experience in both the civilian and military court systems.

Judge Diaz currently serves as a special superior court judge for complex business cases, one of only three in North Carolina.

Judge Diaz began his legal career in the U.S. Marine Corps legal services support section, where he served as a prosecutor, defense counsel, and ultimately

chief review officer. He then moved to the Navy's Office of the Judge Advocate General, JAG, where he served for 4 years as appellate government counsel handling criminal appeals. Upon entering private practice, Judge Diaz remained in the Marine Corps Reserves, serving over the years as a defense lawyer, trial judge, and appellate judge.

Judge Diaz was the first Latino appointed to the North Carolina Superior Court when he was named as a resident superior court judge in 2001.

I therefore pleased that the Senate has confirmed Judge Diaz, an outstanding nominee who enjoys bipartisan support from his home State Senators and a unanimous endorsement from the Judiciary Committee. By confirming Judge Diaz, the Senate takes an important step in bringing the vacancy rate down on the Fourth Circuit, and for the first time in many years the confirmed judges on the Fourth Circuit will be almost up to full strength. Finally, we will have a more diverse bench that better represents the population of this circuit.

DIPLOMACY

Mr. INHOFE. Madam President, today I wish to talk about public diplomacy. I have spent a lot of time in Africa and have built close relationships with many African leaders. As you know, our country's official diplomacy is conducted by the State Department. However, public diplomacy involving people-to-people interaction is equally important for promoting a positive image of America to the world. The United States is admired as a beacon of freedom for oppressed people everywhere. The attacks on the U.S. of 9/11 demonstrate the new challenge we face by the forces of ignorance and intolerance that seek the destruction of our country.

Today I include in the record an insightful essay that I will share with the members of the Senate Foreign Relations Committee about the critical role of public diplomacy in building bridges of good will for the United States. The author is Richard Soudriette, the president of the Center for Diplomacy and Democracy in Colorado Springs, CO. Mr. Soudriette is the founding president of the International Foundation for Electoral Systems, IFES, which has promoted free and fair elections in over 120 countries.

I have a long and personal history with Richard as he was my chief of staff in my office as mayor of Tulsa. Since then, he went on to be the founding president of the International Foundation for Electoral System, IFES, which has promoted free and fair elections in over 120 countries. Richard and I share the same heart for Africa and the same vision for developing countries around the world; that they continue to move towards self-sufficiency and become thriving economic nations.

His essay discusses public diplomacy at the local level and mentions my home town of Tulsa, OK, as an example of a community that has developed innovative international visitor programs. Public diplomacy is vital to keeping our country safe. The best way to defeat the forces of extremism is to educate people around the globe about America and our values, culture, and people.

I strongly support Richard's work around the world and I ask unanimous consent that the statement by Richard Soudriette be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC DIPLOMACY: BUILDING BRIDGES OF UNDERSTANDING

[By Richard W. Soudriette, Center for Diplomacy and Democracy, December 8, 2010]

Ever since the proclamation of the Declaration of Independence in Philadelphia over 200 years ago, America has championed the power of the human spirit. Across the globe, America is a beacon of freedom that gives hope to people living under oppression.

Our country faces many challenges never envisioned by the Founding Fathers in 1776. The deadly attacks on America that occurred on September 11, 2001 revealed that extremist elements seek to destroy America and all that it symbolizes. Al-Qaeda and their cohorts are dedicated to the eradication of human rights and democracy. Islamic extremists do a great injustice to Muslims who reject the extremist philosophy of hatred, ignorance, and intolerance.

Defeating the forces of extremism will require more than military power. It also will require tenacious public diplomacy to educate people from Muslim countries, as well as elsewhere, about America.

Public diplomacy is a term that was coined by respected career U.S. diplomat, Edmund Gullion, who also served as dean of the Fletcher School at Tufts University. Ambassador Gullion described public diplomacy as the way sovereign nations openly and transparently communicate their ideas, culture, and values to people of other countries.

Public diplomacy has become an essential component of U.S. foreign policy. The Obama Administration has sought increases in public diplomacy funding. The current Under Secretary of State for Public Diplomacy and Public Affairs, Judith McHale, recently unveiled "The Strategic Plan for Public Diplomacy for America in the 21st Century."

Despite bipartisan support for public diplomacy, the image of the U.S. continues to lose ground in many parts of the globe. Our image problem in many countries is documented by the work of the Pew Charitable Trusts Global Image Project. Some respected organizations such as the Council on Foreign Relations have focused on the failings of our public diplomacy apparatus. The morphing of the United States Information Agency into the State Department during the Clinton Administration is identified as a major cause for deficiencies in our public diplomacy efforts. The Council on Foreign Relations has offered recommendations to the State Department to fix our public diplomacy, but these will require time and funding to implement.

The State Department already has the means to improve our public diplomacy outreach to the world. For example, the State Department should make certain that ambassadors and foreign service officers are fully briefed on the State Department's public diplomacy strategic plan before they are