

A one-acre parking lot produces about 16 times the volume of runoff that comes from a one-acre meadow. These pollutants include heavy metals, nitrogen and phosphorous, oil and grease, pesticides, bacteria (including deadly *e. coli*), sediment, toxic chemicals, and debris. Indeed, stormwater runoff is the largest source sector for many imperiled bodies of water across the country. According to the Environmental Protection Agency, stormwater pollution affects all types of water bodies including in order of severity; ocean shoreline, estuaries such as the Chesapeake Bay, Great Lakes shorelines, lakes and rivers. Degraded aquatic habitats are found everywhere that stormwater enters local waterways.

We added a provision to the bill in order to rectify a specific problem in the District of Columbia, where the Department of Treasury has been paying some stormwater fees. The provision simply says that agencies and departments should use their annual appropriated funds to pay for stormwater fees. This is exactly what they all do today in paying for their drinking water and wastewater bills or any other utility bill, for that matter. This new language requires that Congress make available, in appropriations acts, the funds that could be used for this purpose. It does not mean that the appropriations act would need to state specifically or expressly that the funds could be used to pay these charges. The legislative language doesn't say that, and I want to be perfectly clear that such a restrictive reading is not our intent.

I believe that this administration recognizes its responsibility to manage the stormwater pollution that comes off Federal properties. But that responsibility needs to translate into payments to the local governments that are forced to deal with this pollution. Adopting this legislation today removes all ambiguity about the responsibility of the Federal Government to pay these normal and customary stormwater fees.

This is a matter of basic equity.

ACCOMPLISHMENTS OF THE 111TH CONGRESS

Mrs. BOXER. Mr. President, as we end this year, I wanted to look back at what we have been able to accomplish—and look ahead at some of the important priorities we must tackle next year.

The 111th Congress has been one of the most productive in our Nation's history.

Congressional scholar Norman Ornstein has said the legislative achievements of this session are "at least on par with the 89th Congress" of 1965–1966, under President Johnson, which produced landmark civil rights legislation as well as Medicaid and Medicare.

We should take a moment to reflect on some of those accomplishments.

After years of unsupervised gambling on Wall Street fueled an unsustainable housing bubble, we inherited the worst economic crisis since the Great Depression. We helped bring our economy back from the brink by taking bold action.

We passed the Economic Recovery Act, which has created or saved more than 350,000 jobs in my home State of California alone.

We approved the bipartisan HIRE Act—a jobs package that cut taxes for companies that hire unemployed workers and extended the highway trust fund. As chairman of the Senate Environment and Public Works Committee, I was pleased to help advance this critical measure to protect more than 1 million jobs nationwide building our roads, bridges and transit systems.

We helped small businesses—which are the true engines of our economic growth—by passing the Small Business Jobs and Credit Act. I was proud to join with Senator JEFF MERKLEY to create the new \$30 billion small business lending fund, which will help community banks give small businesses the credit they need to create hundreds of thousands of new jobs.

We approved legislation to help save up to 16,500 teacher jobs in California—and nearly 160,000 teachers' jobs nationwide—and paid for it by closing tax loopholes for companies that ship jobs overseas.

We worked across the aisle to give much-needed tax relief to millions of middle-class families and extend unemployment insurance for 2 million out-of-work Americans and 400,000 Californians who would otherwise have lost their benefits this month. And I was proud to work with Senator FEINSTEIN and others to make sure this tax-relief package invests in clean energy, which will create tens of thousands of jobs in California and across the country.

And to ensure that we never again face a similar financial crisis, we passed landmark legislation to crack down on the reckless gambling on Wall Street, enacting tough reforms that will curb abuses, shine a light on dark markets and put a new cop on the beat to protect consumers. I was proud to offer the first amendment, which will ensure that taxpayers are never again on the hook to bail out Wall Street.

The 111th Congress was a landmark Congress for advancing civil rights for all Americans.

We approved the Lilly Ledbetter Fair Pay Act, to help ensure equal pay for equal work—regardless of age, race, gender, religion or national origin. It was the first bill signed into law by President Obama last year.

We passed the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act to strengthen the ability of law enforcement to investigate and prosecute hate crimes. The law adds gender, sexual orientation, disability and gender identity as protected categories under Federal hate crimes law.

Last week, in a historic step, we repealed the discriminatory don't ask, don't tell policy that has banned gays and lesbians from serving openly in the U.S. military. Back in 1993, I offered an amendment on the Senate floor to keep this unjust policy from being codified into law. Now, 17 years later, I am so proud to witness this incredible victory for civil rights, equality and a stronger nation.

I was also proud to join in confirming two new Supreme Court Justices—Sonia Sotomayor, the first Latina to serve on the high court, and Elena Kagan. When Kagan was sworn in this fall, it marked the first time our country has had three women serving together on the Supreme Court.

We also confirmed some highly qualified and historic judicial nominees from California this Congress—including Judge Lucy Koh for the Northern District of California, Judge Jacqueline Nguyen for the Central District of California, Judge Dolly Gee for the Central District of California, and Judge Kimberly Mueller for the Eastern District of California.

The 111th Congress also took momentous steps forward in protecting consumers, children and all our families.

We passed a landmark health care reform bill that will extend coverage to 7 million uninsured Californians, help seniors pay for prescription drugs, provide tax credits to help small business owners afford coverage, and ensure that insurance companies can no longer deny coverage because of pre-existing conditions.

We approved legislation to allow the Food and Drug Administration to regulate tobacco and crack down on cigarette marketing and sales to kids.

We approved major reforms to the student loan system—ending subsidies to big banks, saving taxpayers money and providing Pell grants to 63,000 more students in California over the next decade.

We passed credit card reform legislation to protect consumers from excessive fees and deceptive practices.

And this month, we enacted a food safety bill that will help consumers and California's agriculture industry by protecting our Nation's food supply from outbreaks of foodborne illnesses.

I am also pleased that the Airline Passenger Bill of Rights that I have championed with Senator OLYMPIA SNOWE is now being implemented by the Department of Transportation. As a result, we are already seeing fewer long tarmac delays for airline passengers.

The 111th Congress has also taken great strides to protect public health and our environment.

We passed legislation protecting more than 2 million acres of wilderness and creating a national system to conserve land held by the Bureau of Land Management. The legislation included three bills I sponsored designating 700,000 additional acres of wilderness in California, from the Eastern Sierra Nevada to the San Jacinto Mountains in Riverside County.

I have been honored to serve as chairman of the Environment and Public Works Committee during a period of extraordinary accomplishments. In the 111th Congress, the EPW Committee held more than 80 hearings and approved more than 70 pieces of legislation. More than 20 EPW bills have gone to President Obama for his signature, including legislation to create jobs and accelerate economic recovery, to protect children and families from dangerous chemicals in the environment, and to address the dangers of unchecked climate change.

The committee has played a critical oversight role. While the oil was still gushing into the Gulf of Mexico, we held hearings to demand answers from oil company executives and Administration officials on the causes and impacts of the BP Deepwater Horizon oil-spill disaster. As a result, BP provided the committee with previously unavailable video records gathered since the incident. EPW then provided scientists, the public and the media with access to this important underwater video.

One of our most basic responsibilities is to protect children and families from dangerous toxins in the air they breathe and the water they drink.

Parents have a right to expect that their children are safe from environmental hazards when they are at school. But following reports that found toxic air pollution levels at schools across the country, our oversight efforts led to additional EPA monitoring of air pollution at schools in California and in other States.

Emissions from ships' engines are a major cause of persistent air-quality problems at California's ports, including the Ports of Long Beach and Los Angeles, and at other ports around the Nation. EPW oversight helped shine a light on the importance of setting strong safeguards to reduce air pollution from marine vessels, and earlier this year international authorities officially designated waters off North American coasts as subject to strong international emission standards for ships.

I was also pleased when the Senate passed a bipartisan bill I sponsored with my ranking member, Senator JAMES INHOFE, to protect people from toxic lead in drinking water pipes, pipe fittings and plumbing fixtures. The bill is now on its way to the President's desk.

I was also pleased to work with Senators GEORGE VOINOVICH, TOM CARPER and INHOFE to pass bipartisan legislation to strengthen efforts to reduce pollution from diesel engines. Diesel exhaust contributes to pollution that threatens the health of millions of people in California and contributes to asthma, heart disease, cancer and other illnesses.

We also enacted legislation to study the impact of black carbon pollution, and bipartisan legislation to enforce more protective standards on cancer-

causing formaldehyde in wood products.

After the Tennessee Valley Authority, TVA, coal ash disaster 2 years ago released more than 1 billion gallons of toxic material, EPW held hearings into the incident and we initiated an investigation of the dangers of coal combustion waste. We succeeded in ensuring that the Obama administration publicly released the list of other high-hazard ash sites because families have a right to know about dangers to their communities.

Making the transition to the clean energy economy is one of the best ways to create millions of jobs and protect our children from dangerous pollution, and it will help break our dangerous dependence on foreign oil, which costs us a billion dollars a day and threatens our national security.

Thanks in large part to the groundwork laid by the EPW Committee's vigilant oversight during the 110th Congress, the EPA finally in 2009 granted California's request for a waiver to tackle tailpipe emissions of global warming pollution and incorporated the waiver into a landmark agreement that will boost fuel efficiency, save consumers money, cut carbon pollution, and save billions of barrels of oil.

As chairman, I am committed to continuing to work on legislation that reduces pollution, promotes energy efficiency and creates incentives to speed the transition to clean, renewable sources of energy.

President Obama has already signed EPW legislation to train building operators and contractors to improve the energy efficiency of federal facilities, and our committee passed bills to make schools and other public buildings more energy efficient, and to provide incentives for clean energy development on abandoned or formerly contaminated sites. In the new Congress, I plan to continue to work to ensure that the U.S. Government facilities are models of clean-energy technology and energy efficiency.

This Congress has also taken action to protect our national security and support our troops and our veterans.

We just came together in a bipartisan fashion to ratify the New START treaty, which will help protect the national security of the United States by ensuring there are mutual reductions in nuclear weapons and delivery systems, and ensuring that our nuclear inspectors are on the ground in Russia.

We enacted tough new sanctions against Iran—another bipartisan vote that sends a clear and resounding message to Iran that it will pay a heavy price for its reckless pursuit of nuclear weapons.

We also passed legislation to improve the way the VA is funded, helping veterans get timely access to services and care. And we passed important legislation to compensate the family caregivers of our severely wounded service men and women. No one should have to face financial hardship for choosing to

care for a loved one who was wounded in war.

As chair of the Senate Military Family Caucus, I was pleased to see the Senate approve my legislation to help reimburse military families for the cost of traveling off base to obtain needed specialty medical care.

Senators KIT BOND, JOE LIEBERMAN and I also worked to expand the use of veterans centers to active, Guard and Reserve U.S. military personnel.

As a member of the Senate Foreign Relations Committee, I was proud to help secure \$30 million to help women-led nongovernmental organizations in Afghanistan provide direct services such as adult literacy programs, vocational training and health services.

And I was proud to join Senator BOND to help secure funding for an additional eight C-17 aircraft, which are built in Long Beach and are critical to our national defense.

While we have made significant progress, there is still more to be done to create jobs, get our economy back on track, protect consumers and the environment, and make life better for all Californians and all Americans.

We must ensure that California and other states can continue to lead the way toward a clean energy future, which is already creating hundreds of thousands of jobs.

We must continue to put Californians and Americans back to work by rebuilding our road, bridges and transit systems.

As we look to the 112th Congress, the Environment and Public Works Committee will continue to focus on creating jobs and turning our economy around through the next surface transportation authorization and through a new Water Resources Development Act.

And we will continue to shine a spotlight on the need to ensure the air our families breathe and the water our children drink is clean and safe. After the recent reports that found toxic chromium-6 contamination in drinking water in California and across the Nation, we have planned hearings on chromium-6 for early 2012. Senator FEINSTEIN and I sent a letter urging the EPA to act, and the agency has already begun to respond by offering assistance to affected communities.

We will also work to ensure communities that suspect they have a cluster of environmentally caused illness have access to the federal experts and other resources that can help them get the answers they deserve.

We must provide incentives for U.S.-based companies to bring home billions of dollars sitting offshore from foreign sales. Bringing those funds home could be major boost to our economic recovery from the private sector.

While I was disappointed that our efforts to pass the DREAM Act were blocked, we must continue to work to pass comprehensive immigration reform. Our broken immigration system tears families apart and hurts our economic competitiveness, and we must

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