

Califano, the former Secretary of the Department of Health, Education and Welfare. Both strongly supported legislation to fill a gap in existing law and help protect young people from illicit drugs online.

Following our hearing, the Internet Drug Advisory Committee held a briefing for the Judiciary Committee on this matter. We heard from various members of the Internet community on how the private sector may effectively collaborate with the public sector to combat the sales of dangerous drugs online. These private sector groups will be vital in that effort, and we were happy to receive the benefit of their insights.

The administration supports this bill, and that is the right thing to do. I know that our hard working men and women at the Drug Enforcement Agency need the added tools this bill would offer to assist their efforts to combat rogue online pharmacies. Even more, our children and grandchildren need the safety and security of operating online free from drug dealers seeking to trick them into purchasing dangerous controlled substances.

The Judiciary Committee reported an amendment in the form of a substitute which includes several recommendations I have made to improve the bill and make it more effective. These changes were later perfected and improved upon after the bill was reported out of Committee.

I am pleased that the amendment includes my suggestion that the Drug Enforcement Administration report to Congress on recommendations to combat the online sale of controlled substances from foreign countries via the Internet and on ways that the private sector can assist in this effort. A key ingredient in diminishing the impact of rogue Web sites on American citizens is combating the international aspect of this problem, and strengthening the public-private sector collaboration can help provide a solution.

The amendment narrows the U.S. Sentencing Commission directive to ensure that the most dangerous prescription drugs abused online are treated more severely than less harmful prescription drugs. This addition will ensure that the commission has clear guidance to issue the guidelines necessary to hold those individuals who peddle dangerous prescription drugs to minors online accountable.

The amendment also protects legitimate retail drug chains with online websites for customers seeking refills on prescriptions, by exempting them from the bill's requirements. This ensures that the bill does not target legitimate pharmacies that provide Vermonters and other Americans with access to needed medicines nor does it burden legitimate pharmacies with additional registration and reporting requirements.

I believe this measure will be better with these changes. I am confident that this legislation will strengthen

our Nation's ability to effectively combat online drug trafficking. It furthers the goals of drug enforcement and deterrence, while also providing Congress with additional oversight tools. I support its passage.

Mrs. FEINSTEIN. I thank my colleagues for passing S. 980, the Ryan Haight Online Pharmacy Consumer Protection Act.

With Senator SESSIONS, I introduced this bill to protect the safety of consumers who wish to fill legitimate prescriptions for controlled substances over the Internet, while holding accountable those who operate unregistered pharmacies.

Tonight, the Senate took the first important step in stemming the tide of online drug trafficking. Perhaps more importantly, the Senate took the first steps in ensuring that children and teens no longer overdose, or worse die, after purchasing controlled substances without a prescription from rogue Internet pharmacies.

I would like to clarify that the Ryan Haight Online Pharmacy Consumer Protection Act of 2008 regulates practices related to the delivery, distribution, or dispensing of a controlled substance by means of the Internet. The act does not address the delivery, distribution, or dispensing of any noncontrolled substance by the Internet or any other means.

This bill does not infringe upon the powers of the Department of Health and Human Services and its Secretary with respect to noncontrolled substances. Nor does it infringe upon the traditional power of the States to regulate the practices of medicine and pharmacy with respect to the prescription of non controlled substances. Delivery, distribution, or dispensing of noncontrolled substances, approved by the Secretary of Health and Human Services or the regulatory bodies of the States, are not affected by the act.

This bill would do the following: Bar the sale or distribution of all controlled substances over the Internet without a valid prescription; Require online pharmacies to display on their Web site a statement of compliance with U.S. law and DEA regulations—allowing consumers to know which pharmacies are safe and which are not; clarify that rogue pharmacies that sell drugs over the Internet will face the same penalties as people who illegally sell the same drugs on the street; increase the Federal penalties for illegally distributing controlled substances; create a new Federal cause of action that would allow a State attorney general to shut down a rogue Web site selling controlled substances.

This legislation is a critical first step in stemming the tide of online drug trafficking and prescription drug abuse.

In closing, I want to share the story of this bill's namesake, Ryan T. Haight. Ryan was an 18-year-old honor student from La Mesa, California, when he died in his home on February 12,

2001. His parents found a bottle of Vicodin in his room with a label from an out-of-State pharmacy.

It turns out that Ryan had been ordering addictive drugs online and paying with a debit card his parents gave him to buy baseball cards on eBay.

Without a physical exam or his parents' consent, Ryan had been obtaining controlled substances, some from an Internet site in Oklahoma. It only took a few months before Ryan's life was ended by an overdose on a cocktail of painkillers.

Ryan's story is just one of many. Rogue Internet pharmacies are making it increasingly easy for teens like Ryan to access deadly prescription drugs. This bill is the first step to stem that terrible tide. It creates sensible requirements for Internet pharmacy Web sites that will not impact access to convenient, oftentimes cost-saving drugs.

I thank my colleagues for rising up and passing this important bill.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent a Feinstein substitute amendment at the desk be agreed to, the committee substitute amendment as amended be agreed to, the bill, as amended, be read three times and passed, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4383) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 980), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 471 and 473; that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Deborah K. Jones, of New Mexico, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

DEPARTMENT OF JUSTICE

Kevin J. O'Connor, of Connecticut, to be Associate Attorney General.

Mr. LEAHY. Mr. President, we have finally completed our consideration of the nomination of Kevin O'Connor to be Associate Attorney General, the number three position at the Department of Justice. This nomination was cleared by the Democrats and set to be confirmed before our Easter Recess but was blocked by a last-minute, anonymous Republican hold. Also blocked at that time and still held is the nomination of Gregory Katsas to be the Assistant Attorney General in charge of the Civil Division.

I was particularly disappointed with that unexpected development in March. We had worked hard to expedite these nominations, holding a hearing on the first day of this session of Congress. After a nearly month-long delay, when Republican Members of the Judiciary Committee effectively boycotted our business meetings in February, we were able to report these nominations to the Senate in early March. They were set for confirmation before the Easter recess, until the last-minute Republican objection stalled them. They joined the President's nomination of Michael Sullivan to be the Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives as among those stymied by Republican objections.

I thank Senator WHITEHOUSE for chairing the hearing on the O'Connor nomination. We continued our work in connection with high-ranking Department of Justice nominees the week before recess when Senator KENNEDY chaired our hearing on the nomination of Grace Chung Becker to be Assistant Attorney General in charge of the Civil Rights Division. The Civil Rights Division is entrusted with protecting precious rights of Americans, including our fundamental right to vote. That hearing was the seventh the Committee has held since last September on executive nominations, as we continue to work to restock and restore the leadership of the Department of Justice in the wake of the scandals of the Gonzales era.

A little more than a year ago, the Judiciary Committee began its oversight efforts for the 110th Congress. Over the next 9 months, our efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as Senator SPECTER and I led a bipartisan group of concerned Senators to consider the United States Attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess.

This crisis of leadership has taken a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law en-

forcement and the Department of Justice, we joined together to press for accountability. That resulted in a change in leadership at the Department, with the resignations of the Attorney General and many high-ranking Department officials.

The partisan accusations of "slow walking" nominations that the President engaged in at the White House recently, and repeated even today by Republican Senators, are belied by the facts. They are about as accurate as when President Bush ascribed Attorney General Gonzales' resignation to supposed "unfair treatment" and having "his good name . . . dragged through the mud for political reasons." The U.S. Attorney firing scandal was of the administration's own making. It decimated morale at the Department of Justice. A good way to help restore the Justice Department would be for this administration to acknowledge its wrongdoing.

What those who say we are "slow-walking" nominations do not say is that as a result of the mass resignations at the Justice Department in the wake of the scandals of the Gonzales era, the Committee has held seven hearings on high-ranking nominations to restore the leadership of the Department of Justice between September of last year and this month, including confirmation hearings for the new Attorney General, the new Deputy Attorney General, the new Associate Attorney General, and so many others. Of course those months also include the December and January holiday period and break between sessions.

What is being ignored by the President and Senate Republicans as they play to a vocal segment of their Republican base is that we have worked hard to make progress and restore the leadership of the Department of Justice. In the last 6 months, we have confirmed a new Attorney General, a new Deputy Attorney General, held hearings for several other high-ranking Justice Department positions, and voted those nominations out of the Judiciary Committee. Today we continue that progress with the confirmation of the Associate Attorney General.

It is vital that we ensure that we have a functioning, independent Justice Department. In January, the Judiciary Committee held our first oversight hearing of the new session and the first with new Attorney General Michael Mukasey. We held another oversight hearing last month with FBI Director Mueller and tomorrow we are holding an oversight hearing with Homeland Security Secretary Chertoff to explore that Department's handling of issues within the Judiciary Committee's jurisdiction related to the Western Hemisphere Travel Initiative, the so-called REAL ID Act, naturalization backlogs, the resettlement of Iraqi refugees and asylum seekers and the shameful, continuing aftermath from Katrina. These are more steps forward in our efforts to restore checks and bal-

ances to our Government and begin to repair the damage this administration inflicted on our Constitution and fundamental American values.

We continue to press for accountability even as we learn startling new revelations about the extent to which some will go to avoid accountability, undermine oversight, and stonewall the American people's right to the truth. We find shifting answers on issues including the admission that the CIA used waterboarding on detainees in reliance on the advice of the Department of Justice; the destruction of White House e-mails required by law to be preserved; and the CIA's destruction of videotapes of detainee interrogations not shared with the 9/11 Commission, Congress or the courts. The only constant is the demand for immunity and unaccountability among those in the administration. This White House continues to stonewall the legitimate needs for information articulated by the Judiciary Committee and others in the Congress, and contemptuously refuse to appear when summoned by congressional subpoena.

In spite of the administration's lack of cooperation, the Senate is moving forward with the confirmation of executive nominations. With the confirmation today, we will have confirmed 27 executive nominations, including the confirmations of nine U.S. Attorneys, five U.S. Marshals, and the top three positions at the Justice Department so far this Congress.

Of course, we could have made even more progress had the White House sent us timely nominations to fill the remaining executive branch vacancies with nominees who will restore the independence of federal law enforcement. There are now 19 districts across the country with acting or interim U.S. Attorneys instead of Senate-confirmed, presidentially-appointed U.S. Attorneys. For more than a year I have been talking publicly about the need to name U.S. Attorneys to fill these vacancies to no avail.

We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives. It is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes to serve the ends of a particular administration.

I congratulate the nominee and his family on his confirmation today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR WEDNESDAY, APRIL 2, 2008

Mr. NELSON of Florida. I ask unanimous consent that when the Senate