

they have more total debt than equity in their homes;

Whereas approximately 800,000 families filed for bankruptcy in 2007;

Whereas nearly half of adults in the United States are not aware that they can access their credit reports for free, and 1 in 4 reported having never checked their credit score;

Whereas, in a 2006 survey, the Jump\$tart Coalition for Personal Financial Literacy found that high school seniors scored an average of only 52.4 percent on an exam testing knowledge of basic personal finance;

Whereas approximately 10,000,000 households in the United States do not have accounts at mainstream financial institutions such as banks or credit unions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas the 2007 Survey of the States compiled by the National Council on Economic Education found that only 22 States require testing of economics as a high school graduation requirement, 3 fewer States than did so in 2004;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress passed the Financial Literacy and Education Improvement Act of 2003 (Public Law 108-159; 117 Stat. 2003) establishing the Financial Literacy and Education Commission and designating the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 2008 as “Financial Literacy Month” to raise public awareness about—

(A) the importance of personal financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

**RYAN HAIGHT ONLINE PHARMACY CONSUMER PROTECTION ACT OF 2007**

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 617, S. 980.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 980) to amend the Controlled Substances Act to address online pharmacies.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Ryan Haight Online Pharmacy Consumer Protection Act of 2007”.*

**SEC. 2. REQUIREMENT OF A VALID PRESCRIPTION FOR CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.**

*Section 309 of the Controlled Substances Act (21 U.S.C. 829) is amended by adding at the end the following new subsection:*

*“(e) CONTROLLED SUBSTANCES DISPENSED BY MEANS OF THE INTERNET.—*

*“(1) No controlled substance may be delivered, distributed, or dispensed by means of the Internet without a valid prescription.*

*“(2) As used in this subsection:*

*“(A) The term ‘valid prescription’ means a prescription that is issued for a legitimate medical purpose in the usual course of professional practice by—*

*“(i) a practitioner who has conducted at least one in-person medical evaluation of the patient; or*

*“(ii) a covering practitioner.*

*“(B)(i) The term ‘in-person medical evaluation’ means a medical evaluation that is conducted with the patient in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health professionals.*

*“(ii) Nothing in clause (i) shall be construed to imply that one in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.*

*“(C) The term ‘covering practitioner’ means, with respect to a patient, a practitioner who conducts a medical evaluation (other than an in-person medical evaluation) at the request of a practitioner who—*

*“(i) has conducted at least one in-person medical evaluation of the patient during the 24-month period ending on the date of that medical evaluation; and*

*“(ii) is temporarily unavailable to conduct the evaluation of the patient.*

*“(3) Nothing in this subsection shall apply to—*

*“(A) the delivery, distribution, or dispensing of a controlled substance by a practitioner engaged in the practice of telemedicine if—*

*“(i) the telemedicine is being conducted while the patient is being treated by, and physically located in, a hospital or clinic registered under section 303(f), and the practitioner conducting the practice of telemedicine is registered under section 303(f) in the State in which the patient is located and is acting in the usual course of professional practice and in accordance with applicable State law;*

*“(ii) the telemedicine is being conducted while the patient is being treated by, and in the physical presence of, a practitioner registered under section 303(f) who is acting in the usual course of professional practice, and the practitioner conducting the practice of telemedicine is registered under section 303(f) in the State in which the patient is located and is acting in the usual course of professional practice and in accordance with applicable State law; or*

*“(iii) the telemedicine is being conducted under any other circumstances that the Attorney General and the Secretary have jointly, by regulation, determined to be consistent with effective controls against diversion and otherwise consistent with the public health and safety; or*

*“(B) the dispensing or selling of a controlled substance pursuant to practices as determined by the Attorney General by regulation, which shall be consistent with effective controls against diversion.”.*

**SEC. 3. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT RELATING TO THE DELIVERY OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.**

*(a) IN GENERAL.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended by adding at the end the following:*

*“(50) The term ‘Internet’ means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected worldwide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocol to such protocol, to communicate information of all kinds by wire or radio.*

*“(51) The term ‘deliver, distribute, or dispense by means of the Internet’ refers, respectively, to any delivery, distribution, or dispensing of a controlled substance that is caused or facilitated by means of the Internet.*

*“(52) The term ‘online pharmacy’—*

*“(A) means a person, entity, or Internet site, whether in the United States or abroad, that knowingly or intentionally delivers, distributes, or dispenses, or offers or attempts to deliver, distribute, or dispense, a controlled substance by means of the Internet; and*

*“(B) does not include—*

*“(i) manufacturers or distributors registered under subsection (a), (b), (c), or (d) of section 303 who do not dispense controlled substances to an unregistered individual or entity;*

*“(ii) nonpharmacy practitioners who are registered under section 303(f) and whose activities are authorized by that registration;*

*“(iii) mere advertisements that do not attempt to facilitate an actual transaction involving a controlled substance; or*

*“(iv) a person, entity, or Internet site which is not in the United States and does not facilitate the delivery, distribution, or dispensing of a controlled substance by means of the Internet to any person in the United States.*

*“(53) The term ‘homepage’ means the opening or main page or screen of the website of an online pharmacy that is viewable on the Internet.*

*“(54) The term ‘practice of telemedicine’ means the practice of medicine in accordance with applicable Federal and State laws by a practitioner (other than a pharmacist) who is at a location remote from the patient and is communicating with the patient, or health care professional who is treating the patient, using a telecommunications system referred to in section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)).”.*

*(b) REGISTRATION REQUIREMENTS.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following new subsection:*

*“(i) DISPENSER OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.—(1) An online pharmacy shall obtain a registration specifically authorizing such activity, in accordance with regulations promulgated by the Attorney General. In determining whether to grant an application for such registration, the Attorney General shall apply the factors set forth in subsection (f).*

*“(2) Registration under this subsection shall be in addition to, and not in lieu of, registration under subsection (f).*

*“(3) This subsection does not apply to pharmacies that merely advertise by means of the Internet but do not attempt to facilitate an actual transaction involving a controlled substance by means of the Internet.”.*

*(c) REPORTING REQUIREMENTS.—Section 307(d) of the Controlled Substances Act (21 U.S.C. 827(d)) is amended by—*

*(1) designating the text as paragraph (1); and*

*(2) inserting after paragraph (1), as so designated by this Act, the following new paragraph:*

*“(2) A pharmacy registered under section 303(i) shall report to the Attorney General the*

controlled substances dispensed under such registration, in such manner and accompanied by such information as the Attorney General by regulation shall require.”.

(d) **ONLINE PRESCRIPTION REQUIREMENTS.**—The Controlled Substances Act is amended by inserting after section 310 (21 U.S.C. 830) the following:

“**ONLINE PHARMACY LICENSING AND DISCLOSURE REQUIREMENTS**

“**SEC. 311. (a) IN GENERAL.**—An online pharmacy shall display in a visible and clear manner on its homepage a statement that it complies with the requirements of this section with respect to the delivery or sale or offer for sale of controlled substances and shall at all times display on the homepage of its Internet site a declaration of compliance in accordance with this section.

“(b) **LICENSURE.**—Each online pharmacy shall comply with the requirements of State law concerning the licensure of pharmacies in each State from which it, and in each State to which it, delivers, distributes, or dispenses or offers to deliver, distribute, or dispense controlled substances by means of the Internet.

“(c) **COMPLIANCE.**—No online pharmacy or practitioner shall deliver, distribute, or dispense by means of the Internet a controlled substance without a valid prescription (as defined in section 309(e)) and each online pharmacy shall comply with all applicable requirements of Federal and State law.

“(d) **INTERNET PHARMACY SITE DISCLOSURE INFORMATION.**—Each online pharmacy site shall post in a visible and clear manner on the homepage of its Internet site or on a page directly linked from its homepage the following:

“(1) The name of the owner, street address of the online pharmacy’s principal place of business, telephone number, and email address.

“(2) A list of the States in which the online pharmacy, and any pharmacy which dispenses, delivers, or distributes a controlled substance on behalf of the online pharmacy, is licensed to dispense controlled substances or prescription drugs and any applicable license number.

“(3) For each pharmacy identified on its license in each State in which it is licensed to engage in the practice of pharmacy and for each pharmacy which dispenses or ships controlled substances on behalf of the online pharmacy:

“(A) The name of the pharmacy.

“(B) The street address of the pharmacy.

“(C) The name, professional degree, and licensure of the pharmacist-in-charge.

“(D) The telephone number at which the pharmacist-in-charge can be contacted.

“(E) A certification that each pharmacy which dispenses or ships controlled substances on behalf of the online pharmacy is registered under this part to deliver, distribute, or dispense by means of the Internet controlled substances.

“(4) The name, address, professional degree, and licensure of practitioners who provide medical consultations through the website for the purpose of providing prescriptions.

“(5) A telephone number or numbers at which the practitioners described in paragraph (4) may be contacted.

“(6) The following statement, unless revised by the Attorney General by regulation: ‘This online pharmacy will only dispense a controlled substance to a person who has a valid prescription issued for a legitimate medical purpose based upon a medical relationship with a prescribing practitioner, which includes at least one prior in-person medical evaluation. This online pharmacy complies with section 309(e) of the Controlled Substances Act (21 U.S.C. 829(e)).’

“(e) **NOTIFICATION.**—(1) Thirty days prior to offering a controlled substance for sale, delivery, distribution, or dispensing, the online pharmacy shall notify the Attorney General, in the form and manner as the Attorney General shall determine, and the State boards of pharmacy in

any States in which the online pharmacy offers to sell, deliver, distribute, or dispense controlled substances.

“(2) The notification required under paragraph (1) shall include—

“(A) the information required to be posted on the online pharmacy’s Internet site under subsection (d) and shall notify the Attorney General and the applicable State boards of pharmacy, under penalty of perjury, that the information disclosed on its Internet site under to subsection (d) is true and accurate;

“(B) the online pharmacy’s Internet site address and a certification that the online pharmacy shall notify the Attorney General of any change in the address at least 30 days in advance; and

“(C) the Drug Enforcement Administration registration numbers of any pharmacies and practitioners referred to in subsection (d), as applicable.

“(3) An online pharmacy that is already operational as of the effective date of this section, shall notify the Attorney General and applicable State boards of pharmacy in accordance with this subsection not later than 30 days after the effective date of this section.

“(f) **DECLARATION OF COMPLIANCE.**—On and after the date on which it makes the notification under subsection (e), each online pharmacy shall display on the homepage of its Internet site, in such form as the Attorney General shall by regulation require, a declaration that it has made such notification to the Attorney General.

“(g) **REPORTS.**—Any statement, declaration, notification, or disclosure required under this section shall be considered a report required to be kept under this part.”.

(e) **OFFENSES INVOLVING CONTROLLED SUBSTANCES IN SCHEDULES III, IV, AND V.**—Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking “1 gram of” before “flunitrazepam”;

(B) in subparagraph (D), by striking “or in the case of any controlled substance in schedule III (other than gamma hydroxybutyric acid), or 30 milligrams of flunitrazepam”;

(C) by adding at the end the following:

“(E)(i) In the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 20 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18, or \$500,000 if the defendant is an individual or \$2,500,000 if the defendant is other than an individual, or both.

“(ii) If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18, or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both.

“(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment”;

(2) in paragraph (2) by—

(A) striking “3 years” and inserting “5 years”;

(B) striking “6 years” and inserting “10 years”;

(C) striking “after one or more prior convictions” and all that follows through “have be-

come final,” and inserting “after a prior conviction for a felony drug offense has become final.”; and

(3) in paragraph (3) by—

(A) striking “2 years” and inserting “6 years”;

(B) striking “after one or more convictions” and all that follows through “have become final,” and inserting “after a prior conviction for a felony drug offense has become final.”; and

(C) adding at the end the following “Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment.”

(f) **OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.**—Section 401 of the Controlled Substances Act (21 U.S.C. 841) is amended by adding at the end the following:

“(h) **OFFENSES INVOLVING DISPENSING OF CONTROLLED SUBSTANCES BY MEANS OF THE INTERNET.**—(1) Except as authorized by this title, it shall be unlawful for any person to knowingly or intentionally cause or facilitate the delivery, distribution, or dispensing by means of the Internet of a controlled substance.

“(2) Examples of activities that violate paragraph (1) include, but are not limited to, knowingly or intentionally—

“(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by a pharmacy not registered under section 303(i);

“(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of subsection 309(e);

“(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together a buyer and seller to engage in the dispensing of a controlled substance in a manner not authorized by sections 303(i) or 309(e); and

“(D) making a material false, fictitious, or fraudulent statement or representation in the submission to the Attorney General under section 311.

“(3)(A) This subsection does not apply to—

“(i) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this title;

“(ii) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or

“(iii) except as provided in subparagraph (B), any activity that is limited to—

“(I) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of the Communications Act of 1934 (47 U.S.C. 231)); or

“(II) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of the Communications Act of 1934 (47 U.S.C. 230(c)) shall not constitute such selection or alteration of the content of the communication.

“(B) The exceptions under subclauses (I) and (II) of subparagraph (A)(iii) shall not apply to a person acting in concert with a person who violates subsection (g)(1).

“(4) Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b) of this section.”.

(g) **PUBLICATION.**—Section 403(c) of the Controlled Substances Act (21 U.S.C. 843(c)) is amended by—

(1) designating the text as paragraph (1); and (2) adding at the end the following:

“(2)(A) Except as authorized by this title, it shall be unlawful for any person by means of the Internet, to knowingly advertise the sale or distribution of, or to offer to sell, distribute, or dispense, a controlled substance.

“(B) Examples of activities that violate subparagraph (A) include, but are not limited to, knowingly or intentionally causing the placement on the Internet of an advertisement that refers to or directs prospective buyers to Internet sellers of controlled substances who are not registered under section 303(i).

“(C) Subparagraph (A) does not apply to material that either—

“(i) merely advertises the distribution of controlled substances by nonpractitioners to the extent authorized by their registration under this title; or

“(ii) merely advocates the use of a controlled substance or includes pricing information without attempting to facilitate an actual transaction involving a controlled substance.”.

(h) **INJUNCTIVE RELIEF.**—Section 512 of the Controlled Substances Act (21 U.S.C. 882) is amended by adding to the end of the section the following new subsection:

“(c) **STATE CAUSE OF ACTION PERTAINING TO ONLINE PHARMACIES.**—(1) In any case in which the State has reason to believe that an interest of the residents of that State has been or is being threatened or adversely affected by the action of a person, entity, or Internet site that violates the provisions of section 303(i), 309(e), or 311, the State may bring a civil action on behalf of such residents in a district court of the United States with appropriate jurisdiction—

“(A) to enjoin the conduct which violates this section;

“(B) to enforce compliance with this section; (C) to obtain damages, restitution, or other compensation, including civil penalties under section 402(b); and

“(D) to obtain such other legal or equitable relief as the court may find appropriate.

“(2)(A) Prior to filing a complaint under paragraph (1), the State shall serve a copy of the complaint upon the Attorney General and upon the United States Attorney for the judicial district in which the complaint is to be filed. In any case where such prior service is not feasible, the State shall serve the complaint on the Attorney General and the appropriate United States Attorney on the same day that the State's complaint is filed in Federal district court of the United States. Such proceedings shall be independent of, and not in lieu of, criminal prosecutions or any other proceedings under this title or any other laws of the United States.

“(B)(i) Not later than 120 days after the later of the date on which a State's complaint is served on the Attorney General and the appropriate United States Attorney, or the date on which the complaint is filed, the United States shall have the right to intervene as a party in any action filed by a State under paragraph (1).

“(ii) After the 120-day period described in clause (i) has elapsed, the United States may, for good cause shown, intervene as a party in an action filed by a State under paragraph (1).

“(iii) Notice and an opportunity to be heard with respect to intervention shall be afforded the State that filed the original complaint in any action in which the United States files a complaint in intervention under clause (i) or a motion to intervene under clause (ii).

“(iv) The United States may file a petition for appeal of a judicial determination in any action filed by a State under this section.

“(C) Service of a State's complaint on the United States as required in this paragraph shall be made in accord with the requirements of Federal Rule of Civil Procedure 4(i)(1).

“(3) For purposes of bringing any civil action under paragraph (1), nothing in this Act shall prevent an attorney general of a State from exercising the powers conferred on the attorney

general of a State by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses of or the production of documentary or other evidence.

“(4) Any civil action brought under paragraph (1) in a district court of the United States may be brought in the district in which the defendant is found, is an inhabitant, or transacts business or wherever venue is proper under section 1391 of title 28, United States Code. Process in such action may be served in any district in which the defendant is an inhabitant or in which the defendant may be found.

“(5) No private right of action is created under this subsection.”.

(i) **FORFEITURE OF FACILITATING PROPERTY IN DRUG CASES.**—Section 511(a)(4) of the Controlled Substances Act (21 U.S.C. 881(a)(4)) is amended to read as follows:

“(4) Any property, real or personal, tangible or intangible, used or intended to be used to commit, or to facilitate the commission, of a violation of this title or title III, and any property traceable thereto.”.

(j) **IMPORT AND EXPORT ACT.**—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (4) by—  
(A) striking “or any quantity of a controlled substance in schedule III, IV, or V, (except a violation involving flunitrazepam and except a violation involving gamma hydroxybutyric acid)”;

(B) inserting “, or” before “less than one kilogram of hashish oil”; and

(C) striking “imprisoned” and all that follows through the end of the paragraph and inserting “sentenced in accordance with section 401(b)(1)(D) of this title (21 U.S.C. 841(b)(1)(E)).”;

(2) by adding at the end the following:

“(5) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule III, such person shall be sentenced in accordance with section 401(b)(1)(E).

“(6) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule IV (except a violation involving flunitrazepam), such person shall be sentenced in accordance with section 401(b)(2).

“(7) In the case of a violation of subsection (a) of this section involving a controlled substance in schedule V, such person shall be sentenced in accordance with section 401(b)(3).”;

and  
(3) in paragraph (3), by striking “, nor shall a person so sentenced be eligible for parole during the term of such a sentence” in the final sentence.

(k) **EFFECTIVE DATE.**—The amendments made by this Act shall become effective 60 days after the date of enactment of this Act.

(l) **GUIDELINES AND REGULATIONS.**—  
(1) **IN GENERAL.**—The Attorney General may promulgate and enforce any rules, regulations, and procedures which may be necessary and appropriate for the efficient execution of functions under this subtitle, including any interim rules necessary for the immediate implementation of this Act, on its effective date.

(2) **SENTENCING GUIDELINES.**—The United States Sentencing Commission, in determining whether to amend, or establish new, guidelines or policy statements, to conform the Federal sentencing guidelines and policy statements to this Act and the amendments made by this Act—

(A) shall consult with the Department of Justice, experts and other affected parties concerning which penalties for scheduled substances amended by this Act should be reflected in the Federal sentencing guidelines; and

(B) should not construe any change in the maximum penalty for a violation involving a controlled substance in a particular schedule as being the sole reason to amend a, or establish a new, guideline or policy statement.

(m) **ANNUAL REPORT.**—Not later than 180 days after the date of enactment of this Act, and an-

nually for 2 years after the initial report, the Drug Enforcement Administration, in consultation with the Department of State, shall submit to Congress a report describing—

(1) the foreign supply chains and sources of controlled substances offered for sale without a valid prescription on the Internet;

(2) the efforts and strategy of the Drug Enforcement Administration to decrease the foreign supply chain and sources of controlled substances offered for sale without a valid prescription on the Internet; and

(3) the efforts of the Drug Enforcement Administration to work with domestic and multinational pharmaceutical companies and others to build international cooperation and a commitment to fight on a global scale the problem of distribution of controlled substances over the Internet without a valid prescription.

Mr. LEAHY. Mr. President, today the Senate will pass by unanimous consent S. 980, the Ryan Haight Online Pharmacy Consumer Protection Act. This is an important bill that would create potent new tools for law enforcement to prosecute those who illegally sell drugs online, and allow State authorities to shut down online pharmacies even before they get started.

I thank Senator FEINSTEIN and Senator SESSIONS for their commitment to combating illicit drug trafficking by online predators. Their hard work and diligent efforts, have put together a strong bipartisan bill that includes important modifications and clarifications that will protect our children and grandchildren from purchasing illegal dangerous drugs online and reducing the prevalence of rogue online pharmacies in our society.

As the longtime cochair of the Congressional Internet Caucus, I understand full well the growing danger that illegitimate online pharmacies pose to youth. I am pleased to join the bill's sponsors in support of this legislation. I am also very pleased that several of my recommendations to improve the bill are included in this legislation.

This bill could not come at a more urgent time for our Nation. In the digital age, the Internet has enabled all Americans better access to convenient and more affordable medicine. Unfortunately, the prevalence of rogue online pharmacies has also made the Internet an increasing source for the sale of dangerous controlled substances without a licensed medical practitioner's valid prescription. Online drug traffickers have used evolving tactics to evade detection by law enforcement and circumvent the proper constraints of doctors and pharmacists.

The check and security provided by our local pharmacists in local pharmacies—those who have served Americans for generations and helped us get well and keep us well—is not always replicated online. As a result, dangerous and addictive prescription drugs are too often only a click away.

Last May, the Judiciary Committee held a hearing on this issue. We heard compelling testimony from Francine Haight, a mother whose teenage son died from an overdose of painkillers he purchased online from a rogue pharmacy. We also heard from Joseph

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.

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#### EXECUTIVE SESSION

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#### 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.