

ANABOLIC STEROID CONTROL ACT OF 2004

APRIL 2, 2004.—Ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
 submitted the following

R E P O R T

[To accompany H.R. 3866]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 3866) to amend the Controlled Substances Act to provide increased penalties for anabolic steroid offenses near sports facilities, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Anabolic Steroid Control Act of 2004”.

SEC. 2. INCREASED PENALTIES FOR ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES.

(a) IN GENERAL.—Part D of the Controlled Substances Act is amended by adding at the end the following:

ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES

“SEC. 424. (a) Whoever violates section 401(a)(1) or section 416 by manufacturing, distributing, or possessing with intent to distribute, an anabolic steroid near or at a sports facility is subject to twice the maximum term of imprisonment, maximum fine, and maximum term of supervised release otherwise provided by section 401 for that offense.

“(b) As used in this section—

“(1) the term ‘sports facility’ means real property where athletic sports or athletic training takes place, if such property is privately owned for commercial purposes or if such property is publicly owned, but does not include any real property described in section 419;

“(2) the term ‘near or at’ means in or on, or within 1000 feet of; and

“(3) the term ‘possessing with intent to distribute’ means possessing with the intent to distribute near or at a sports facility.”.

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 423 the following new item:

“Sec. 424. Anabolic steroid offenses near sports facilities.”.

SEC. 3. SENTENCING COMMISSION GUIDELINES.

The United States Sentencing Commission shall—

(1) review the Federal sentencing guidelines with respect to offenses involving anabolic steroids;

(2) consider amending the Federal sentencing guidelines to provide for increased penalties with respect to offenses involving anabolic steroids in a manner that reflects the seriousness of such offenses and the need to deter anabolic steroid use; and

(3) take such other action that the Commission considers necessary to carry out this section.

SEC. 4. AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.

(a) DEFINITIONS.—Section 102 of the Controlled Substances Act (21 U.S.C. 802) is amended—

(1) in paragraph (41)—

(A) by realigning the margin so as to align with paragraph (40); and

(B) by striking subparagraph (A) and inserting the following:

“(A) The term ‘anabolic steroid’ means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes—

“(i) androstenediol—

“(I) 3 β ,17 β -dihydroxy-5 α -androstane; and

“(II) 3 α ,17 β -dihydroxy-5 α -androstane;

“(ii) androstenedione (5 α -androstane-3,17-dione);

“(iii) androstenediol—

“(I) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);

“(II) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);

“(III) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene); and

“(IV) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);

“(iv) androstenedione—

“(I) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);

“(II) 4-androstenedione (androst-4-en-3,17-dione); and

“(III) 5-androstenedione (androst-5-en-3,17-dione);

“(v) bolasterone (7 α ,17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);

“(vi) boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);

“(vii) calusterone (7 β ,17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);

“(viii) clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);

“(ix) dehydrochlormethyltestosterone (4-chloro-17 β -hydroxy-17 α -methylandrost-1,4-dien-3-one);

“(x) Δ 1-dihydrotestosterone (also known as 1-testosterone) (17 β -hydroxy-5 α -androst-1-en-3-one);

“(xi) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);

“(xii) drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstane-3-one);

“(xiii) ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);

- “(xiv) fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- “(xv) formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- “(xvi) furazabol (17 α -methyl-17 β -hydroxyandrostano[2,3-c]-furazan);
- “(xvii) 13 α -ethyl-17 β -hydroxygon-4-en-3-one;
- “(xviii) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- “(xix) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- “(xx) mestanolone (17 α -methyl-17 β -hydroxy-5 α -androstan-3-one);
- “(xxi) mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
- “(xxii) methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- “(xxiii) methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- “(xxiv) methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- “(xxv) methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- “(xxvi) mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- “(xxvii) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (also known as ‘17- α -methyl-1-testosterone’);
- “(xxviii) nandrolone (17 β -hydroxyestr-4-en-3-one);
- “(xxix) norandrostenediol—
 - “(I) 19-nor-4-androstenediol (3 β , 17 β -dihydroxyestr-4-ene);
 - “(II) 19-nor-4-androstenediol (3 α , 17 β -dihydroxyestr-4-ene);
 - “(III) 19-nor-5-androstenediol (3 β , 17 β -dihydroxyestr-5-ene); and
 - “(IV) 19-nor-5-androstenediol (3 α , 17 β -dihydroxyestr-5-ene);
- “(xxx) norandrostenedione—
 - “(I) 19-nor-4-androstenedione (estr-4-en-3,17-dione); and
 - “(II) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- “(xxxi) norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
- “(xxxii) norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
- “(xxxiii) norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
- “(xxxiv) oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
- “(xxxv) oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
- “(xxxvi) oxymetholone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one);
- “(xxxvii) stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
- “(xxxviii) stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
- “(xxxix) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- “(xl) testosterone (17 β -hydroxyandrost-4-en-3-one);
- “(xli) tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
- “(xlii) trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one); and
- “(xliii) any salt, ester, or ether of a drug or substance described in this paragraph;” and

(2) in paragraph (44), by inserting “anabolic steroids,” after “marihuana.”

(b) **AUTHORITY AND CRITERIA FOR CLASSIFICATION.**—Section 201(g) of the Controlled Substances Act (21 U.S.C. 811(g)) is amended—

(1) in paragraph (1), by striking “substance from a schedule if such substance” and inserting “drug which contains a controlled substance from the application of titles II and III of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 802 et seq.) if such drug”; and

(2) in paragraph (3), by adding at the end the following:

“(C) Upon the recommendation of the Secretary of Health and Human Services, a compound, mixture, or preparation which contains any anabolic steroid, which is intended for administration to a human being or an animal, and which, because of its concentration, preparation, formulation or delivery system, does not present any significant potential for abuse.”

(c) **ANABOLIC STEROIDS CONTROL ACT.**—Section 1903 of the Anabolic Steroids Control Act of 1990 (Public Law 101–647; 21 U.S.C. 802 note) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 5. REPORTING REQUIREMENT.

Within 2 years of enactment of this Act, the Secretary of Health and Human Services, in consultation with the Attorney General, shall prepare a report to the Judiciary Committee of the House and Senate evaluating the health risks associated with dietary supplements not addressed in this legislation which contain substances similar to those added to the list of controlled substances under this legislation.

PURPOSE AND SUMMARY

H.R. 3866, the “Anabolic Steroid Control Act of 2004,” will help to prevent the abuse of steroids by professional athletes. It will also address the widespread use of steroids and steroid precursors by college, high school, and even middle school students. Steroid use has been banned in the United States since the passage of the Anabolic Steroids Control Act of 1990.¹ Many athletic organizations conduct testing for steroids, but the illegal use of these substances continues to be a problem among professional athletes.

Additionally, since the ban of these particular products, some individuals have developed new substances that have the same effects on the body as anabolic steroids but are not banned substances. These “steroid precursors” are as dangerous to the body as those banned under the original act. Many health organizations as well as several athletic organizations believe that the list of banned substances should be updated to include such substances.

The legislation would add several new substances to the list of banned substances and provide increased penalties (up to twice the current maximum term of imprisonment, maximum fine, or maximum term of supervised release) for any individual who traffics in steroids within 1,000 feet of an athletic facility. Additionally, the legislation was amended by the Subcommittee on Crime, Terrorism, and Homeland Security to include a requirement that the Department of Health and Human Services and the Department of Justice report to the House and Senate Committees on the Judiciary within 2 years regarding the need to add additional dangerous substances to the list.

BACKGROUND AND NEED FOR THE LEGISLATION

Anabolic-androgenic steroids are man-made substances related to male sex hormones. “Anabolic” refers to muscle-building, and “androgenic” refers to increased masculine characteristics. “Steroids” refers to the class of drugs. There are more than 100 types of these drugs, which are legally available only by prescription, to treat conditions that occur when the body produces abnormally low amounts of testosterone, such as delayed puberty and some types of impotence. They are also prescribed to treat body wasting in patients with AIDS and other diseases that result in the loss of lean muscle mass. Abuse of anabolic steroids, however, can lead to serious health problems, some of which are irreversible. This bill adds steroid precursors to the list of controlled substances based on medical evidence that, once ingested, these products have the same effect on the body as many of the steroids that are currently prohibited for use without a prescription.

Today, athletes and others abuse anabolic steroids to enhance performance and also to improve physical appearance. Anabolic steroids are taken orally or injected, typically in cycles of weeks or months (referred to as “cycling”), rather than continuously. Cycling involves taking multiple doses of steroids over a specific period of time, stopping for a period, and starting again. In addition, users often combine several different types of steroids to maximize their

¹ Pub. L. No. 101-647.

effectiveness while minimizing negative effects (referred to as “stacking”).

Some of the consequences of long-term use of steroids include aggression, extreme mood swings, liver tumors, liver cancer, kidney tumors, jaundice, heart attacks, high blood pressure, high cholesterol, severe acne, and trembling. Other side effects may be gender specific such as breast development in men, reduced sperm count, infertility, increased risk of prostate cancer, male-pattern baldness in women, changes in, or cessation of, the menstrual cycle, facial hair growth or deepening of the voice in women. In addition, those who inject steroids, as opposed to oral ingestion or topical use, run the risk of contracting or transmitting HIV or hepatitis.

In a recent high profile case, the United States Department of Justice charged four individuals in the San Francisco area with conspiring to distribute anabolic steroids and other performance enhancing drugs to dozens of athletes from Major League Baseball, the National Football League, and track and field. The criminals are getting smarter about how to evade the law either by marketing prohibited steroids as “nutritional supplements,” manufacturing steroids in clandestine labs, or developing new products that have the effects of steroids but are currently not on the list of controlled substances.

Even more problematic than the use of these substances among professional athletes is the message their use sends to our young athletes, particularly adolescent males. In addition to the other effects outlined above, adolescents who take steroids may face premature skeletal maturation and accelerated puberty changes which may result in stunted growth. The National Institute on Drug Abuse at the National Institute of Health annually assesses drug use among the nation’s 8th, 10th, and 12th grade students. Rates for anabolic steroid use in the past year remained stable at under 1.5 percent for students in 8th, 10th, and 12th grades in the early 1990s, then started to rise.

Peak rates of past year use occurred in 2002 for 12th-graders (2.5 percent), in 2000 and 2002 for 10th-graders (2.2 percent), and in 1999 and 2000 for 8th-graders (1.7 percent). In 2003, steroid use by 10th-graders declined significantly to 1.7 percent. The rate among 12th-graders, 2.1 percent, was also down from 2002, but not significantly. Among 8th-graders, 1.4 percent reported steroid use in the past year. Although these numbers show a decline, they are still above the rates of use in the 1990s. Most anabolic steroids users are male, and among male students, past year use of these substances was reported by 1.8 percent of 8th-graders, 2.3 percent of 10th-graders, and 3.2 percent of 12th-graders in 2003.

H.R. 3866, the “Anabolic Steroid Control Act of 2004,” was introduced by Representatives Sensenbrenner, Conyers, Sweeney, Osborne, and Berman on March 1, 2004. The bill serves as the House counterpart to S. 2195, bipartisan legislation introduced by Senators Biden and Hatch and endorsed by a broad cross-section of groups representing the medical and sports communities, including the National Football League, Major League Baseball, the U.S. Anti-Doping Agency, the American Medical Association, and the Major League Baseball Players Association.

Many of these same groups have weighed in on H.R. 3866 as well. In fact, in describing their position on this issue, the Major

League Baseball Players Association has stated, “. . . if Congress chooses to expand the definition of Schedule III anabolic steroids in order to cover certain steroid precursors, we would not only support such a decision but also would automatically expand our testing program, jointly administered with the clubs, to cover such substances.”

HEARINGS

This legislation was introduced by Representatives Sensenbrenner, Conyers, Sweeney, Osborne, and Berman on March 1, 2004, and referred primarily to the Committee on the Judiciary and secondarily to the Committee on Energy and Commerce.

On March 16, 2004, the Subcommittee on Crime, Terrorism, and Homeland Security held a legislative hearing on H.R. 3866. Witnesses for the hearing were Representative John Sweeney, representing the 20th District of New York; Joseph Rannazzisi, Deputy Director of the Office of Diversion Control of the Drug Enforcement Agency; Dr. Ralph Hale, from the Coalition for Anabolic Steroid Precursor and Ephedra Regulation, on behalf of the United States Anti-Doping Agency; and Robert Hazelton, a former boxer and steroid user.

COMMITTEE CONSIDERATION

On March 30, 2004, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered favorably reported the bill H.R. 3866, with an amendment to the full Committee on the Judiciary by a voice vote, a quorum being present. On March 31, 2004, the Committee met in open session and ordered favorably reported the bill H.R. 3866 with an amendment, by a voice vote, a quorum being present.

VOTE OF THE COMMITTEE

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee notes that there were no recorded votes during the Committee consideration of H.R. 3866.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3866, the following estimate and comparison prepared

by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

APRIL 2, 2004.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost of estimate for H.R. 3866, the Anabolic Steroid Control Act of 2004.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 3866—Anabolic Steroid Control Act of 2004

CBO estimates that implementing H.R. 3866 would cost less than \$500,000 annually from appropriated funds for the Department of Health and Human Services (HHS) to prepare a report on the health risks associated with certain dietary supplements. Enactment of the bill could affect direct spending and receipts, but CBO estimates that any such effects would not be significant.

H.R. 3866 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments. H.R. 3866 would impose a private-sector mandate, as defined by UMRA, by adding about two dozen new substances to the list of anabolic steroid controlled substances. Under the bill, manufacturing and distributing of those substances would be regulated by the Controlled Substances Act. The direct cost of the mandate would be the amount manufacturers and distributors would incur to comply with the laws and regulations for registration and distribution of a controlled substance. Based on information from government sources, CBO expects that the direct cost of the mandate would fall below the annual threshold established by UMRA for private-sector mandates (\$120 million in 2004, adjusted annually for inflation).

H.R. 3866 would expand the list of anabolic steroids regulated by the Drug Enforcement Administration (DEA) to include about two dozen new substances. The bill would increase the maximum penalties, including imprisonment and fines, for the possession or distribution of steroids within 1,000 feet of a sports facility.

Implementing H.R. 3866 would enable the federal government to pursue cases involving unauthorized use of steroids that it otherwise would not be able to prosecute. Based on information from the DEA, CBO expects that any increase in federal costs for law enforcement, court proceedings, or prison operations would not be significant because of the relatively small number of additional cases likely to be involved. Any such additional costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under H.R. 3866 could be subject to criminal fines, the federal government might collect additional fines if the bill is enacted. Collections of such fines are recorded in the budget as governmental receipts (revenues) which

are deposited in the Crime Victims Fund and later spent. CBO expects that any additional receipts and direct spending would not be significant because of the small number of cases likely to be affected.

The CBO staff contacts for this estimate are Mark Grabowicz (for federal costs) and Paige Piper/Bach (for the impact on the private sector). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

H.R. 3866 does not authorize funding. Therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives is inapplicable.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title

The title of the legislation is the “Anabolic Steroid Control Act of 2004.”

Section 2. Increased Penalties for Anabolic Steroid Offenses Near Sports Facilities

This section allows an individual to be sentenced to up to twice the current maximum penalties for manufacturing, distributing, or possessing with intent to distribute an anabolic steroid if such action is taken within 1000 feet of a sports facility.

This section is intended to serve as a deterrent to those who wish to traffic in these substances. Individuals who participate in sports activities are the most vulnerable to steroid traffickers, and traffickers know where to find these individuals. Recent cases as well as testimony from witnesses has suggested a link between sports training facilities and steroid use. Additionally, because of the statistics compiled by the National Institute on Drug Abuse regarding use of steroids by middle school and high school children, the Committee is concerned about the availability of these substances at or near places where children gather to play sports. The definition of “sports facility” is intended to be broadly interpreted to include property privately owned for commercial purposes such as health clubs or publicly owned such as a recreational softball field to address both of these concerns.

Section 3. Sentencing Commission Guidelines

This section requires the Sentencing Commission to review the Federal sentencing guidelines for offenses involving anabolic steroids and consider amending the guidelines to reflect the serious nature of anabolic steroid offenses. The Committee believes that these are dangerous substances and the current penalties may not adequately reflect the danger.

Section 4. Amendments to the Controlled Substances Act

This section updates the list of anabolic steroids that are regulated under the Controlled Substances Act to include several new substances and makes changes to the authority and criteria for classification of such substances.

The substances which have been added to this list have been determined by the Department of Health and Human Services, the Department of Justice, several health organizations, and several professional, amateur and Olympic athletic organizations to be the precursors most dangerous to human health. Many of these substances are widely available in over the counter vitamin supplement products despite the fact that when ingested they have the same effects on the human body as steroids that are currently on the list of controlled substances.

Section 5. Reporting Requirements

The Committee's amendment added section 5 which requires the Secretary of Health and Human Services and the Attorney General to report to Congress in 2 years on the health risks of other similar substances.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

COMPREHENSIVE DRUG ABUSE PREVENTION AND CONTROL ACT OF 1970

TABLE OF CONTENTS

TITLE II—CONTROL AND ENFORCEMENT

PART A—SHORT TITLE; FINDINGS AND DECLARATION; DEFINITIONS

Sec. 100. Short title.

Sec. 101. Findings and declarations.

* * * * *

PART D—OFFENSES AND PENALTIES

Sec. 401. Prohibited acts A—penalties.

* * * * *

Sec. 424. *Anabolic steroid offenses near sports facilities.*

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TITLE II—CONTROL AND ENFORCEMENT

PART A—SHORT TITLE; FINDINGS AND DECLARATION; DEFINITIONS

SHORT TITLE

SEC. 100. This title may be cited as the "Controlled Substances Act".

* * * * *

DEFINITIONS

SEC. 102. As used in this title:

(1) * * *

* * * * *

(41) (A) The term “anabolic steroid” means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes—

- [(i) boldenone,
- [(ii) chlorotestosterone,
- [(iii) clostebol,
- [(iv) dehydrochlormethyltestosterone,
- [(v) dihydrotestosterone,
- [(vi) drostanolone,
- [(vii) ethylestrenol,
- [(viii) fluoxymesterone,
- [(ix) formebulone,
- [(x) mesterolone,
- [(xi) methandienone,
- [(xii) methandranone,
- [(xiii) methandriol,
- [(xiv) methandrostenolone,
- [(xv) methenolone,
- [(xvi) methyltestosterone,
- [(xvii) mibolerone,
- [(xviii) nandrolone,
- [(xix) norethandrolone,
- [(xx) oxandrolone,
- [(xxi) oxymesterone,
- [(xxii) oxymetholone,
- [(xxiii) stanolone,
- [(xxiv) stanozolol,
- [(xxv) testolactone,
- [(xxvi) testosterone,
- [(xxvii) trenbolone, and
- [(xxviii) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.]

(A) *The term “anabolic steroid” means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone), and includes—*

- (i) *androstanediol—*
 - (I) *3 β ,17 β -dihydroxy-5 α -androstane; and*
 - (II) *3 α ,17 β -dihydroxy-5 α -androstane;*
- (ii) *androstanedione (5 α -androstan-3,17-dione);*
- (iii) *androstenediol—*
 - (I) *1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);*
 - (II) *1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);*
 - (III) *4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);*
- and*
- (IV) *5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);*
- (iv) *androstenedione—*

- (I) 1-androstenedione (*[5 α]-androst-1-en-3,17-dione*);
 (II) 4-androstenedione (*androst-4-en-3,17-dione*); and
 (III) 5-androstenedione (*androst-5-en-3,17-dione*);
 (v) bolasterone (*7 α ,17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one*);
 (vi) boldenone (*17 β -hydroxyandrost-1,4,-diene-3-one*);
 (vii) calusterone (*7 β ,17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one*);
 (viii) clostebol (*4-chloro-17 β -hydroxyandrost-4-en-3-one*);
 (ix) dehydrochlormethyltestosterone (*4-chloro-17 β -hydroxy-17 α -methylandrost-1,4-dien-3-one*);
 (x) Δ 1-dihydrotestosterone (also known as *1-testosterone*) (*17 β -hydroxy-5 α -androst-1-en-3-one*);
 (xi) 4-dihydrotestosterone (*17 β -hydroxy-androstan-3-one*);
 (xii) drostanolone (*17 β -hydroxy-2 α -methyl-5 α -androstan-3-one*);
 (xiii) ethylestrenol (*17 α -ethyl-17 β -hydroxyestr-4-ene*);
 (xiv) fluoxymesterone (*9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one*);
 (xv) formebolone (*2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one*);
 (xvi) furazabol (*17 α -methyl-17 β -hydroxyandrostanol[2,3-*c*]-furazan*);
 (xvii) 13 α -ethyl-17 β -hydroxygon-4-en-3-one;
 (xviii) 4-hydroxytestosterone (*4,17 β -dihydroxy-androst-4-en-3-one*);
 (xix) 4-hydroxy-19-nortestosterone (*4,17 β -dihydroxy-estr-4-en-3-one*);
 (xx) mestanolone (*17 α -methyl-17 β -hydroxy-5 α -androstan-3-one*);
 (xxi) mesterolone (*1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one*);
 (xxii) methandienone (*17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one*);
 (xxiii) methandriol (*17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene*);
 (xxiv) methenolone (*1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one*);
 (xxv) methyltestosterone (*17 α -methyl-17 β -hydroxyandrost-4-en-3-one*);
 (xxvi) mibolerone (*7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one*);
 (xxvii) 17 α -methyl- Δ 1-dihydrotestosterone (*17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one*) (also known as “17- α -methyl-1-testosterone”);
 (xxviii) nandrolone (*17 β -hydroxyestr-4-en-3-one*);
 (xxix) norandrostenediol—
 (I) 19-nor-4-androstenediol (*3 β , 17 β -dihydroxyestr-4-ene*);
 (II) 19-nor-4-androstenediol (*3 α , 17 β -dihydroxyestr-4-ene*);
 (III) 19-nor-5-androstenediol (*3 β , 17 β -dihydroxyestr-5-ene*); and
 (IV) 19-nor-5-androstenediol (*3 α , 17 β -dihydroxyestr-5-ene*);
 (xxx) norandrostenedione—

- (I) 19-nor-4-androstenedione (*estr-4-en-3,17-dione*); and
- (II) 19-nor-5-androstenedione (*estr-5-en-3,17-dione*);
- (xxxi) norbolethone (*13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one*);
- (xxxii) norclostebol (*4-chloro-17 β -hydroxyestr-4-en-3-one*);
- (xxxiii) norethandrolone (*17 α -ethyl-17 β -hydroxyestr-4-en-3-one*);
- (xxxiv) oxandrolone (*17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one*);
- (xxxv) oxymesterone (*17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one*);
- (xxxvi) oxymetholone (*17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-one*);
- (xxxvii) stanozolol (*17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-*c*]-pyrazole*);
- (xxxviii) stenbolone (*17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one*);
- (xxxix) testolactone (*13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone*);
- (xl) testosterone (*17 β -hydroxyandrost-4-en-3-one*);
- (xli) tetrahydrogestrinone (*13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one*);
- (xlii) trenbolone (*17 β -hydroxyestr-4,9,11-trien-3-one*); and
- (xliii) any salt, ester, or ether of a drug or substance described in this paragraph;

(B)(i) Except as provided in clause (ii), such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the Secretary of Health and Human Services for such administration.

(ii) If any person prescribes, dispenses, or distributes such steroid for human use, such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of subparagraph (A).

* * * * *

(44) The term “felony drug offense” means an offense that is punishable by imprisonment for more than one year under any law of the United States or of a State or foreign country that prohibits or restricts conduct relating to narcotic drugs, marihuana, *anabolic steroids*, or depressant or stimulant substances.

* * * * *

PART B—AUTHORITY TO CONTROL; STANDARDS AND SCHEDULES

AUTHORITY AND CRITERIA FOR CLASSIFICATION OF SUBSTANCES

SEC. 201. (a) * * *

* * * * *

(g)(1) The Attorney General shall by regulation exclude any non-narcotic [substance from a schedule if such substance] *drug which contains a controlled substance from the application of titles II and III of the Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. 802 et seq.) if such drug may, under the Federal Food,*

Drug, and Cosmetic Act, be lawfully sold over the counter without a prescription.

* * * * *

(3) The Attorney General may, by regulation, exempt any compound, mixture, or preparation containing a controlled substance from the application of all or any part of this title if he finds such compound, mixture, or preparation meets the requirements of one of the following categories:

(A) * * *

* * * * *

(C) Upon the recommendation of the Secretary of Health and Human Services, a compound, mixture, or preparation which contains any anabolic steroid, which is intended for administration to a human being or an animal, and which, because of its concentration, preparation, formulation or delivery system, does not present any significant potential for abuse.

* * * * *

PART D—OFFENSES AND PENALTIES

* * * * *

ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES

SEC. 424. (a) Whoever violates section 401(a)(1) or section 416 by manufacturing, distributing, or possessing with intent to distribute, an anabolic steroid near or at a sports facility is subject to twice the maximum term of imprisonment, maximum fine, and maximum term of supervised release otherwise provided by section 401 for that offense.

(b) As used in this section—

(1) the term “sports facility” means real property where athletic sports or athletic training takes place, if such property is privately owned for commercial purposes or if such property is publicly owned, but does not include any real property described in section 419;

(2) the term “near or at” means in or on, or within 1000 feet of; and

(3) the term “possessing with intent to distribute” means possessing with the intent to distribute near or at a sports facility.

* * * * *

SECTION 1903 OF THE ANABOLIC STEROIDS CONTROL ACT OF 1990

SEC. 1903. REGULATIONS BY ATTORNEY GENERAL.

[(a) ABUSE POTENTIAL.—The Attorney General, upon the recommendation of the Secretary of Health and Human Services, may, by regulation, exempt any compound, mixture, or preparation containing a substance in paragraph (41) of section 102 of the Controlled Substances Act (as added by section 2 of this Act) from the application of all or any part of the Controlled Substances Act if,

because of its concentration, preparation, mixture or delivery system, it has no significant potential for abuse.】

【(b)】 (a) DRUGS FOR TREATMENT OF RARE DISEASES.—If the Attorney General finds that a drug listed in paragraph (41) of section 102 of the Controlled Substances Act (as added by section 2 of this Act) is—

(1) * * *

* * * * *

【(c)】 (b) DATE OF ISSUANCE OF REGULATIONS.—The Attorney General shall issue regulations implementing this section not later than 45 days after the date of enactment of this Act, except that the regulations required under section 3(a) shall be issued not later than 180 days after the date of enactment of this Act.

MARKUP TRANSCRIPT
BUSINESS MEETING
WEDNESDAY, MARCH 31, 2004

HOUSE OF REPRESENTATIVES,
 COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:00 a.m., in Room 2141 Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER.. The Committee will be in order. A working quorum is present. The only item on the agenda today is H.R. 3866, the “Anabolic Steroid Control Act of 2004.” The Chair recognizes the gentleman from North Carolina, Mr. Coble, the Chairman of the Subcommittee on Crime, Terrorism, and Homeland Security for a motion.

Mr. COBLE. Mr. Chairman, the Subcommittee on Crime, Terrorism, and Homeland Security reports favorably the bill H.R. 3866 with a single amendment in the nature of a substitute and moves its favorable recommendation to the full House.

[The bill, H.R. 3866, follows:]

**SUBCOMMITTEE AMENDMENT IN THE NATURE OF
A SUBSTITUTE TO H.R. 3866
(AS ORDERED REPORTED BY THE SUBCOMMITTEE
ON CRIME ON MARCH 30, 2004)**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Anabolic Steroid Con-
3 trol Act of 2004”.

4 **SEC. 2. INCREASED PENALTIES FOR ANABOLIC STEROID**
5 **OFFENSES NEAR SPORTS FACILITIES.**

6 (a) IN GENERAL.—Part D of the Controlled Sub-
7 stances Act is amended by adding at the end the following:

8 ANABOLIC STEROID OFFENSES NEAR SPORTS FACILITIES

9 “SEC. 424. (a) Whoever violates section 401(a)(1) or
10 section 416 by manufacturing, distributing, or possessing
11 with intent to distribute, an anabolic steroid near or at
12 a sports facility is subject to twice the maximum term of
13 imprisonment, maximum fine, and maximum term of su-
14 pervised release otherwise provided by section 401 for that
15 offense.

16 “(b) As used in this section—

17 “(1) the term ‘sports facility’ means real prop-
18 erty where athletic sports or athletic training takes

1 place, if such property is privately owned for com-
2 mercial purposes or if such property is publicly
3 owned, but does not include any real property de-
4 scribed in section 419;

5 “(2) the term ‘near or at’ means in or on, or
6 within 1000 feet of; and

7 “(3) the term ‘possessing with intent to dis-
8 tribute’ means possessing with the intent to dis-
9 tribute near or at a sports facility.”.

10 (b) TABLE OF CONTENTS AMENDMENT.—The table
11 of contents for Comprehensive Drug Abuse Prevention
12 and Control Act of 1970 is amended by inserting after
13 the item relating to section 423 the following new item:

“424. Increased Penalties for Anabolic Steroid Offenses Near Sports Facili-
ties.”.

14 **SEC. 3. SENTENCING COMMISSION GUIDELINES.**

15 The United States Sentencing Commission shall—

16 (1) review the Federal sentencing guidelines
17 with respect to offenses involving anabolic steroids;

18 (2) consider amending the Federal sentencing
19 guidelines to provide for increased penalties with re-
20 spect to offenses involving anabolic steroids in a
21 manner that reflects the seriousness of such offenses
22 and the need to deter anabolic steroid use; and

23 (3) take such other action that the Commission
24 considers necessary to carry out this section.

1 **SEC. 4. AMENDMENTS TO THE CONTROLLED SUBSTANCES**

2 **ACT.**

3 (a) DEFINITIONS.—Section 102 of the Controlled
4 Substances Act (21 U.S.C. 802) is amended—

5 (1) in paragraph (41)—

6 (A) by realigning the margin so as to align
7 with paragraph (40); and

8 (B) by striking subparagraph (A) and in-
9 serting the following:

10 “(A) The term ‘anabolic steroid’ means any drug or
11 hormonal substance, chemically and pharmacologically re-
12 lated to testosterone (other than estrogens, progestins,
13 corticosteroids, and dehydroepiandrosterone), and
14 includes—

15 “(i) androstenediol—

16 “(I) $3\beta,17\beta$ -dihydroxy- 5α -androstane; and

17 “(II) $3\alpha,17\beta$ -dihydroxy- 5α -androstane;

18 “(ii) androstanedione (5α -androst- $3,17$ -
19 dione);

20 “(iii) androstenediol—

21 “(I) 1-androstenediol ($3\beta,17\beta$ -dihydroxy-
22 5α -androst-1-ene);

23 “(II) 1-androstenediol ($3\alpha,17\beta$ -dihydroxy-
24 5α -androst-1-ene);

25 “(III) 4-androstenediol ($3\beta,17\beta$ -dihydroxy-
26 androst-4-ene); and

- 1 “(IV) 5-androstenediol ($3\beta,17\beta$ -dihydroxy-
2 androst-5-ene);
3 “(iv) androstenedione—
4 “(I) 1-androstenedione ($[5\alpha]$ -androst-1-en-
5 $3,17$ -dione);
6 “(II) 4-androstenedione (androst-4-en-
7 $3,17$ -dione); and
8 “(III) 5-androstenedione (androst-5-en-
9 $3,17$ -dione);
10 “(v) bolasterone ($7\alpha,17\alpha$ -dimethyl- 17β -
11 hydroxyandrost-4-en-3-one);
12 “(vi) boldenone (17β -hydroxyandrost-1,4,-diene-
13 3 -one);
14 “(vii) calusterone ($7\beta,17\alpha$ -dimethyl- 17β -
15 hydroxyandrost-4-en-3-one);
16 “(viii) clostebol (4-chloro- 17β -hydroxyandrost-4-
17 en-3-one);
18 “(ix) dehydrochlormethyltestosterone (4-chloro-
19 17β -hydroxy- 17α -methylandrost-1,4-dien-3-one);
20 “(x) $\Delta 1$ -dihydrotestosterone (also known as 1-
21 testosterone) (17β -hydroxy- 5α -androst-1-en-3-one);
22 “(xi) 4-dihydrotestosterone (17β -hydroxy-
23 androstan-3-one);
24 “(xii) drostanolone (17β -hydroxy- 2α -methyl- 5α -
25 androstan-3-one);

- 1 “(xiii) ethylestrenol (17α -ethyl- 17β -hydroxyestr-
2 4-ene);
- 3 “(xiv) fluoxymesterone (9-fluoro- 17α -methyl-
4 11β , 17β -dihydroxyandrost-4-en-3-one);
- 5 “(xv) formebolone (2-formyl- 17α -methyl-
6 11α , 17β -dihydroxyandrost-1,4-dien-3-one);
- 7 “(xvi) furazabol (17α -methyl- 17β -
8 hydroxyandrostano[2,3-c]-furazan);
- 9 “(xvii) 13β , 17α -diethyl- 17β -hydroxygon-4-en-
10 3-one;
- 11 “(xviii) 4-hydroxytestosterone ($4,17\beta$ -dihydroxy-
12 androst-4-en-3-one);
- 13 “(xix) 4-hydroxy-19-nortestosterone ($4,17\beta$ -
14 dihydroxy-estr-4-en-3-one);
- 15 “(xx) mestanolone (17α -methyl- 17β -hydroxy-
16 5α -androstan-3-one);
- 17 “(xxi) mesterolone (1α -methyl- 17β -hydroxy-
18 [5α]-androstan-3-one);
- 19 “(xxii) methandienone (17α -methyl- 17β -
20 hydroxyandrost-1,4-dien-3-one);
- 21 “(xxiii) methandriol (17α -methyl- 3β , 17β -
22 dihydroxyandrost-5-ene);
- 23 “(xxiv) methenolone (1-methyl- 17β -hydroxy- 5α -
24 androst-1-en-3-one);

- 1 “(xxv) methyltestosterone (17 α -methyl-17 β -
2 hydroxyandrost-4-en-3-one);
- 3 “(xxvi) mibolerone (7 α ,17 α -dimethyl-17 β -
4 hydroxyestr-4-en-3-one);
- 5 “(xxvii) 17 α -methyl- Δ 1-dihydrotestosterone (17
6 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (also
7 known as ‘17- α -methyl-1-testosterone’);
- 8 “(xxviii) nandrolone (17 β -hydroxyestr-4-en-3-
9 one);
- 10 “(xxix) norandrostenediol—
- 11 “(I) 19-nor-4-androstenediol (3 β , 17 β -
12 dihydroxyestr-4-ene);
- 13 “(II) 19-nor-4-androstenediol (3 α , 17 β -
14 dihydroxyestr-4-ene);
- 15 “(III) 19-nor-5-androstenediol (3 β , 17 β -
16 dihydroxyestr-5-ene); and
- 17 “(IV) 19-nor-5-androstenediol (3 α , 17 β -
18 dihydroxyestr-5-ene);
- 19 “(xxx) norandrostenedione—
- 20 “(I) 19-nor-4-androstenedione (estr-4-en-
21 3,17-dione); and
- 22 “(II) 19-nor-5-androstenedione (estr-5-en-
23 3,17-dione);
- 24 “(xxxi) norbolethone (13 β ,17 α -diethyl-17 β -
25 hydroxygon-4-en-3-one);

1 “(xxxii) norelostebol (4-chloro-17 β -hydroxyestr-
2 4-en-3-one);
3 “(xxxiii) norethandrolone (17 α -ethyl-17 β -
4 hydroxyestr-4-en-3-one);
5 “(xxxiv) oxandrolone (17 α -methyl-17 β -hydroxy-
6 2-oxa-[5 α]-androstan-3-one);
7 “(xxxv) oxymesterone (17 α -methyl-4,17 β -
8 dihydroxyandrost-4-en-3-one);
9 “(xxxvi) oxymetholone (17 α -methyl-2-
10 hydroxymethylene-17 β -hydroxy-[5 α]-androstan-3-
11 one);
12 “(xxxvii) stanozolol (17 α -methyl-17 β -hydroxy-
13 [5 α]-androst-2-eno[3,2-c]-pyrazole);
14 “(xxxviii) stenbolone (17 β -hydroxy-2-methyl-
15 [5 α]-androst-1-en-3-one);
16 “(xxxix) testolactone (13-hydroxy-3-oxo-13,17-
17 secoandrosta-1,4-dien-17-oic acid lactone);
18 “(xl) testosterone (17 β -hydroxyandrost-4-en-3-
19 one);
20 “(xli) tetrahydrogestrinone (13 β ,17 α -diethyl-
21 17 β -hydroxygon-4,9,11-trien-3-one);
22 “(xlii) trenbolone (17 β -hydroxyestr-4,9,11-trien-
23 3-one); and
24 “(xliii) any salt, ester, or ether of a drug or
25 substance described in this paragraph;”;

1 (2) in paragraph (44), by inserting “anabolic
2 steroids,” after “marihuana,”.

3 (b) AUTHORITY AND CRITERIA FOR CLASSIFICA-
4 TION.—Section 201(g) of the Controlled Substances Act
5 (21 U.S.C. 811(g)) is amended—

6 (1) in paragraph (1), by striking “substance
7 from a schedule if such substance” and inserting
8 “drug which contains a controlled substance from
9 the application of titles II and III of the Comprehen-
10 sive Drug Abuse Prevention and Control Act (21
11 U.S.C. 802 et seq.) if such drug”; and

12 (2) in paragraph (3), by adding at the end the
13 following:

14 “(C) Upon the recommendation of the Sec-
15 retary of Health and Human Services, a compound,
16 mixture, or preparation which contains any anabolic
17 steroid, which is intended for administration to a
18 human being or an animal, and which, because of its
19 concentration, preparation, formulation or delivery
20 system, does not present any significant potential for
21 abuse.”.

22 (c) ANABOLIC STEROIDS CONTROL ACT.—Section
23 1903 of the Anabolic Steroids Control Act of 1990 (Public
24 Law 101–647; 21 U.S.C. 802 note) is amended—

25 (1) by striking subsection (a); and

1 (2) by redesignating subsections (b) and (c) as
2 subsections (a) and (b), respectively.

3 **SEC. 5. REPORTING REQUIREMENT.**

4 Within 2 years of enactment of this Act, the Sec-
5 retary of Health and Human Services, in consultation with
6 the Attorney General, shall prepare a report to the Judici-
7 ary Committee of the House and Senate evaluating the
8 health risks associated with dietary supplements not ad-
9 dressed in this legislation which contain substances similar
10 to those added to the list of controlled substances under
11 this legislation.

Chairman SENSENBRENNER. Without objection, the bill will be considered as read and open for amendment at any point, and the Subcommittee amendment in the nature of a substitute which the Members have before them will be considered as read and considered as the original text for purposes of amendment and open for amendment at any point.

The Chair recognizes himself to strike the last word.

Performance-enhancing drugs continue to plague athletics and professional sports. Not only are anabolic steroids prevalent in some professional sports, the steroids are also being used by high school students. Since steroids were banned under the Control Act of 1990, many new substances have been developed that have essentially the same effect on the body as anabolic steroids. These drugs are commonly referred to as steroid precursors. This bill, which I introduced with Mr. Conyers, amends the Controlled Substances Act by updating the list to include precursors and providing increased penalties for trafficking in anabolic steroids and precursors near sports facilities.

During his State of the Union address this year the President said, "the use of the performance-enhancing drugs like steroids in baseball, football, and other sports is dangerous, and it sends the wrong message that there are shortcuts to accomplishment, and that performance is more important than character."

The problem of steroid abuse in professional sports continues to receive a great deal of media attention. Reports of widespread abuse in professional sports, specifically baseball, have fueled this attention. A few weeks ago in the San Francisco area, DOJ charged four individuals with conspiring to distribute anabolic steroids and other performance-enhancing drugs to dozens of athletes in major league baseball, the NFL, and track and field.

On March 16, the Subcommittee held a hearing on this bill and the hearing highlighted the prevalence of steroids in professional sports as well as the adverse health effects these drugs have. There have been numerous studies citing side effects associated with steroid use. Long-term consequences of steroid use include liver disorders, high blood pressure, and extreme mood swings. Other side effects found in women are male pattern baldness, cessation of menstrual cycle, and facial hair growth. Men can experience infertility and male breast development.

Sadly, the use of these drugs is glamorized by professional athletes. The message that adolescents receive is that the use of performance-enhancing drugs is necessary to compete and should be used regardless of the health effects. The evidence suggests that even middle-school students have not been immune to the perils of steroid use. Adolescents are at risk of the side effects outlined above as well as premature skeletal maturation and accelerated puberty changes which may result in stunted growth.

The National Institute on Drug Abuse estimated in 2003 that 1.4 percent of eighth-graders, 1.7 percent of tenth-graders, and 2.1 percent of twelfth-graders have taken anabolic steroids at least once in their lives. Although this is a slight decrease from the previous year, the use of steroids among adolescents has significantly increased since the early 1990's. The trend is alarming but it is even more disturbing that many precursor steroids are just as dangerous but are not yet illegal, leaving the impression that they are safe

methods of enhancing performance. This legislation will add these drugs to the controlled substance list, making it more difficult for adults and adolescents to obtain them.

I urge my colleagues to support this important bipartisan legislation and at this time am prepared to recognize either Mr. Conyers or Mr. Scott. Who wants to give the Democratic statement?

Mr. CONYERS. I will share with Mr. Scott.

Chairman SENSENBRENNER. The gentleman from Michigan is recognized for two-and-a-half minutes.

Mr. CONYERS. I yield to the distinguished Ranking Subcommittee Member.

Mr. SCOTT. Thank you, Mr. Chairman. I am pleased to join you in support of the Anabolic Steroid Control Act of 2004. This legislation updates the ban on anabolic steroids to include several steroid precursors that have been developed since the 1990 ban on anabolic steroids. These precursors have been shown to cause the same reaction to the body as anabolic steroids and they are just as dangerous in terms of side effects and long-term care damage. Currently they are not illegal. They are widely used by athletes and others seeking to enhance muscle and body development, and these drugs are now showing up over-the-counter and in the nutrition and dietary supplements.

Of course, the driving concern of the bill is the impact on children. Some are athletes using the drugs with the belief that they will become great in their sport and gain money and fame. But in addition to risking disqualification from playing sports, they also risk many of the health problems that the Chairman has indicated. Many of these drugs and precursors could be legitimately made available by prescription by physicians to treat conditions such as body wasting in patients with AIDS and other diseases that result in loss of lean muscle mass.

So Mr. Chairman, I am pleased to join this effort to get these drugs out of the category of easy access so that they can be both controlled and be available for appropriate medical use. I yield back to the gentleman from Michigan.

Mr. CONYERS. Thank you very much.

I just wanted to be able to identify this particular steroid precursor androstenedione. You can write that down, if you would like. What we are saying here, Mr. Chairman, the eight of us with special commendations to yourself and our colleague John Sweeney of New York, is that the precursors have now been found medically to be as dangerous as the steroids themselves. And that unless you start dealing with the statistic that Chairman Sensenbrenner issued, which is controlling for me, one out of 40 high school seniors have reported that they have used a precursor during 2002, and that one out of 50 tenth-graders, almost as bad, have used them in the previous year.

So we have got a big problem on our hands. It is becoming commonplace and it is about time that our sports leaders take some kind of control about this thing. It is really not a good day in America when you need the United States Congress to tell the kids that we have got to criminalize this thing because most of the people in sports are turning their head the other way. I think that is the worst thing that makes us have to do what we are doing here today.

I thank the Chairman.

Chairman SENSENBRENNER. Without objection, all Members' opening statements will be placed in the record at this point.

[The prepared statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN, AND RANKING MEMBER, COMMITTEE ON THE JUDICIARY

I strongly support the legislative proposal under consideration today. Without a doubt, H.R. 3866, the "Anabolic Steroid Control Act of 2004," represents a major step in the right direction.

First, the bill highlights the serious nature of trafficking in steroid precursors by increasing the criminal penalties associated with their distribution, particularly near a sports facility. It's worth noting that this outcome was achieved without the use of mandatory minimums. Instead, the bill was drafted in such a way so as to leave sentencing determinations solely to the discretion of the judge—with the more egregious offenders being exposed to harsher sentences.

Second, the bill amends the Anabolic Steroid Control Act of 1990 by adding steroid precursors such as androstenedione ("andro") and its chemical cousins to the list of anabolic steroids controlled under the Controlled Substances Act. It also makes it easier for the DEA to add similar substances to that list in the future.

Scientific evidence shows that these performance-enhancing drugs create real and significant health risks. Potential long-term consequences of these products in men include impotence and the development of breast enlargement. While some women who use these products experience male pattern baldness, increased facial hair and abnormal menstrual bleeding. And, most troubling of all, innocent children who are exposed to these products risk early onset of puberty and stunted growth.

Finally, the bill directs the U.S. Sentencing Commission to review the Federal sentencing guidelines for crimes involving anabolic steroids and consider increasing them. Currently, the maximum sentence for offenses involving anabolic steroids is only 33–41 months for first time offenders. And to receive the maximum sentence an offender would have to have between 40,000 and 60,000 units, which is defined as a 10 cc vial or 50 tablets.

Saving children is the ultimate goal of this legislation. About one out of forty high-school seniors reported that they had used andro in the past year, according to the Department of Health and Human Services' (HHS) 2002 Monitoring the Future survey, which tracks drug use among students. The survey, conducted by HHS's National Institute on Drug Abuse, also found that about one out of fifty 10th graders had taken andro in the previous year.

In closing, I would like to thank Chairman Sensenbrenner and Representatives Berman, Sweeney and Osborne for their bipartisan leadership on this issue. I strongly urge my colleagues to lend their support to this sensible piece of legislation.

Are there amendments?

Mr. SCOTT. Mr. Chairman, I have a unanimous consent request.
Chairman SENSENBRENNER. The gentleman from Virginia.

Mr. SCOTT. I have three letters, one from the National Football League, Major League Baseball Players Association, and the American Medical Association in support of the legislation. I would ask unanimous—

Chairman SENSENBRENNER. Without objection, the letters will be placed in the record.

[The information referred to follows:]



NATIONAL FOOTBALL LEAGUE

Paul Tagliabue
Commissioner

March 16, 2003

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
House of Representatives
Washington, DC 20515

Dear Congressman Conyers:

On behalf of the National Football League, I write to express a strong support for H.R. 3866 the Anabolic Steroid Control Act of 2004. For more than a decade, the NFL has had in place a comprehensive and effective program to eliminate steroids and other performance-enhancing substances from football. We believe that this legislation will make an important contribution to that effort, both by underscoring the seriousness of the federal government's commitment to remove these substances from athletics at all levels, as well as by making a criminal offense to distribute such substances, particularly to young people, to do so.

Last week Gene Upshaw, the Executive Director of the NFL Players Association, and I testified before a Senate committee that was considering a companion bill to H.R. 3866. I have enclosed a copy of our joint statement in support of that legislation.

We urge the Committee and the full House to move promptly to pass this legislation during the current session. Thank you for your consideration of these views. Please feel free to call on us if we can assist the Committee in any way we can.

Sincerely,

PAUL TAGLIABUE

Enclosure

MAJOR LEAGUE
BASEBALL PLAYERS ASSOCIATION

DONALD M. FCHR
Executive Director
General Counsel



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28 October, 2003

The Honorable Joseph R. Biden, Jr.
221 Russell Senate Office Building
Washington, D.C. 20510-0802

The Honorable Orrin G. Hatch
104 Hart Senate Office Building
Washington, D.C. 20510-4402

Re: *Anabolic Steroid Control Act of 2003*

Dear Senators Biden and Hatch:

It has long been the view of the Major League Baseball Players Association that players should not be prohibited from using any substances that the United States government has effectively determined are not unsafe for consumption by other Americans. We further believe determinations about the safety and efficacy of ingestible substances, whether they are medicines, nutritional supplements or other types of food, are best left to the appropriate federal regulatory agencies. Viewed from the broad historical perspective, neutral government agencies -- whose vision is not colored by the profit motive -- have shown a commendable capacity to make findings based on the totality of the evidence, medical information and research, and to ensure that conclusions are based on fact and not self-interest. In a phrase, the Players -- just like the majority of Americans -- look to the federal government, and not advertisers, interest groups on either side, or newspapers, to tell the country what should and should not be regulated, controlled, or banned.

MAJOR LEAGUE
BASEBALL PLAYERS ASSOCIATION

The Honorable Joseph R. Biden, Jr.
The Honorable Orrin G. Hatch
Page 2

Consequently, if Congress chooses to expand the definition of Schedule III anabolic steroids in order to cover certain steroid precursors, we would not only support such a decision but also would automatically expand our testing program, jointly administered with the clubs, to cover such substances. I have attached a statement which explains our views in greater detail which I submitted to the Senate Commerce Committee, in connection with a hearing held today.

Thank you again for your interest in our position. I would be happy to talk with you further if you have any questions.

Sincerely,


Donald M. Fehr

American Medical Association

Physicians dedicated to the health of America



March 16, 2004

The Honorable F. James Sensenbrenner, Jr.
Chairman
Committee on the Judiciary
U.S. House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
2142 Rayburn House Office Building
Washington, DC 20515

Dear Mr. Chairman and Representative Conyers:

On behalf of the American Medical Association (AMA), I am writing to thank you for introducing H.R. 3866, the "Anabolic Steroid Control Act of 2004." The physician and student members of the AMA are very concerned about the quality, safety, and efficacy of dietary supplement products. We are particularly concerned about herbal (botanical) products and supplements containing anabolic steroid-like ingredients and their precursors, i.e., substances that have the potential to be converted into testosterone or other anabolic steroids. Because of the dangers of these products and their increasing use, the AMA supports a ban on over-the-counter sales of such products.

National surveys conducted since 1991 indicate that the use of anabolic steroids is increasing in high school students. Unfortunately, many of these products, including derivatives of potent veterinary products, are readily available over-the-counter or via the Internet. Use of these products can be very harmful to an individual's health, including causing potentially toxic effects on the liver and cardiovascular system, damage to fertility, and psychiatric side-effects. The AMA strongly supports legislation such as H.R. 3866 that would reclassify anabolic steroid-like ingredients and their precursors as prescription drugs subject to the Controlled Substances Act.

Your legislation sends a strong message about the dangers of these dietary supplements. The AMA applauds you for your efforts to protect the health of Americans, especially adolescents, through the Anabolic Steroid Control Act of 2004.

Sincerely,

Michael D. Maves, MD, MBA

Cc: Members of the House Committee on the Judiciary

Are there amendments?

Mr. COBLE. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from North Carolina.

Mr. COBLE. Mr. Chairman, move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. COBLE. Mr. Chairman, you and the Ranking Member and Mr. Scott have pretty adequately covered the pertinent points. I just would weigh in regarding the hearing that was conducted before our Subcommittee. A former professional heavyweight boxer was one of the witnesses and he has lost both legs as a result—both legs had to be amputated as a result of his having become involved with steroids. That was a very moving, emotionally-charged testimony. He shared with us the fact that he, to this day, visits schools in an ongoing way trying to educate these kids to avoid steroids.

But Mr. Conyers touched on this, we live in an era now where the theme is, make your big bucks and make it quickly, and the way to do that is to become muscularly-enhanced as a result of steroids. If they had seen this boxer I think they would think twice before they did it. This is long overdue, Mr. Chairman, and I commend you and the Ranking Member, and Mr. Sweeney and others for having promoted it and I yield back.

Chairman SENSENBRENNER. Are there amendments?

Mr. WATT. Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from North Carolina.

Mr. WATT. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. WATT. I do so not in opposition to the bill but simply to ask whoever might be able to answer the question, either the Chair of the full Committee or the Ranking Member of the Subcommittee. The rationale for the maximum, the two times the penalty for this offense near or at a sports facility, that seems to me to be something that would seem to be arbitrary, unless there is some rationale for it. I am just trying to figure out how you got to—

Chairman SENSENBRENNER. Would the gentleman yield?

Mr. WATT. Yes, I am happy to yield.

Chairman SENSENBRENNER. I thank the gentleman for yielding.

I think that the rationale behind this is deterrence similar to the deterrence that was established with drug-free schools, where the penalties are enhanced for those who are trafficking in drugs close to schools.

Mr. SCOTT. Will the gentleman yield?

Mr. WATT. I am happy to yield to the gentleman.

Mr. SCOTT. I would say to the gentleman that the penalties go to the Sentencing Commission. Although the maximums have been enhanced, they go to the Sentencing Commission to make sure that the actually imposed penalties are appropriately proportional.

Chairman SENSENBRENNER. Will the gentleman yield further?

Mr. WATT. Yes.

Chairman SENSENBRENNER. I would like to emphasize that this is not a mandatory minimum sentence.

Mr. WATT. I am not questioning whether it is a mandatory minimum sentence, although I would like to know whether the term

on line 12, page one, subject to twice the maximum term is, in effect, subject to up to twice the maximum term or whether it is subject to—I mean, does it require a two times the maximum term as it would be if it were not so near a sports facility? I will yield to the gentleman from Virginia.

Mr. SCOTT. I would say that I think the legislative intent is up to, but on page two, it is sent to the Sentencing Commission to review and make the appropriate findings.

Mr. WATT. But am I incorrect in saying that there are currently penalties in place, even before the Sentencing Commission acts? So the question is whether it would be double that penalty or whether it would be up to double that penalty in the discretion of the judge.

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. WATT. I yield to the Chairman.

Chairman SENSENBRENNER. It is up to double the penalties. So if the penalty is up to 3 years and this bill is adopted, then the penalty will be up to 6 years.

Mr. WATT. All right, with that legislative record I think that—I probably would read it that way anyway but—and I take it the rationale for this is that there is evidence in the record that these kinds of crimes are more likely to happen at or near a sports facility?

I guess my concern is that we can do things rationally or we can do things based on a sound bite. Is there some evidence in the record at the hearing—I am not on the Subcommittee—that this is more prevalent at or near sports facilities?

Mr. COBLE. If the gentleman would yield?

Mr. WATT. I am happy to yield.

Mr. COBLE. I say to my friend from North Carolina, that was my reading as a result of the hearing, that it was more likely to occur near a sports facility.

Chairman SENSENBRENNER. Will the gentleman yield further?

Mr. WATT. Yes, sir.

Chairman SENSENBRENNER. This is a tool for—it is a rational sound bite. [Laughter.]

Mr. WATT. All right, if it is rational I am okay with it. If it is just a sound bite, I think we legislate too much by sound bite in this body. I would at least like to go on the record as saying that I am in favor of the rational policy if there is rationality to it. But if we are just doing this, legislating by sound bite, I really think—

Mr. COBLE. Would the gentleman yield one more time for me?

Mr. WATT. I am happy to yield.

Mr. COBLE. Mr. Watt, I will be very brief. I think that if we pass this, hopefully it will be less likely to occur in the vicinity of these sports facilities.

Mr. WATT. I will yield back, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman's time has expired.

Are there amendments?

Ms. JACKSON LEE. Mr. Chairman.

Chairman SENSENBRENNER. The gentlewoman from Texas.

Mr. JACKSON LEE. I thank the Chairman. May I follow the line of reasoning of Mr. Watt on—

Chairman SENSENBRENNER. The gentlewoman strikes the last word and is recognized for 5 minutes.

Ms. JACKSON LEE. I thank the distinguished Chairman. Just a clarification on this sentencing aspect where it says subject to twice the maximum. I am understanding that the Chairman's interpretation, maybe the Chairman of the Subcommittee as well, is up to twice the maximum. Are we to rely upon the legislative history and the discussion we have had this morning, or is it appropriate to include the word, is subject to up to twice the maximum term of imprisonment?

Chairman SENSENBRENNER. Will the gentlewoman yield?

Ms. JACKSON LEE. I would be happy to yield.

Chairman SENSENBRENNER. That is exactly the way the drug-free school zone statute reads, and it does give the Sentencing Commission the appropriate instruction to make guidelines, but it is not a mandatory sentence. It is up to twice the maximum if it was away from a sports facility, and that would be up to the sentencing judge.

Ms. JACKSON LEE. And that precedent is by the previous use of the language that it has been utilized that the judges had discretion?

Chairman SENSENBRENNER. That is correct, and it is identical to the doubling of the maximum sentence, or the ceiling of the maximum sentence for sale of drugs in a drug-free school zone.

Ms. JACKSON LEE. If I can reclaim my time. If Committee discussion has any relevance to add to the legislative history, let me then just say that I would like to be sure that there is discretion up to twice the maximum term, even though this is a horrible result in terms of the use of these steroids, and I would like to make sure that it is in the record that the interpretation is that it is up to twice the maximum term based on previous legislative interpretation.

I thank the Chairman. I yield back.

Chairman SENSENBRENNER. Are there amendments?

If there are no amendments, the Chair notes the presence of a reporting quorum. Without objection, the Subcommittee amendment in the nature of a substitute laid down as the base text is adopted.

The question occurs on the motion to report the bill H.R. 3866 favorably as amended. All those in favor will say aye.

Opposed, no.

The ayes appear to have it. The ayes have been it. The motion to report favorably is adopted.

Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute incorporating the amendment adopted here today.

Without objection, the Chairman is authorized to move to go to conference pursuant to House rules.

Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days as provided by House rules in which to submit additional dissenting, supplemental or minority views.

This concludes the business on the agenda today. The Chair thanks the Members for their participation and attendance and the Committee stands adjourned.

[Whereupon, at 10:31 a.m., the Committee was adjourned.]

