the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1156

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1156, a bill to amend title 38, United States Code, to improve and enhance the provision of long-term health care for veterans by the Department of Veterans Affairs, to enhance and improve authorities relating to the administration of personnel of the Department of Veterans Affairs, and for other purposes.

S. 1200

At the request of Ms. CANTWELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1200, a bill to provide lasting protection for inventoried roadless areas within the National Forest System.

S. 1298

At the request of Mr. AKAKA, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1298, a bill to amend the Farm Security and Rural Investment Act of 2002 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 1304

At the request of Ms. SNOWE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1304, a bill to improve the health of women through the establishment of Offices of Women's Health within the Department of Health and Human Services.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1548

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1548, a bill to amend the Internal Revenue Code of 1986 to provide incentives for the production of renewable fuels and to simplify the administration of the Highway Trust Fund fuel excise taxes, and for other purposes.

S. 1567

At the request of Mr. FITZGERALD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1567, a bill to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes.

S. 1664

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

S. 1666

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1666, a bill to amend the Public Health Service Act to establish comprehensive State diabetes control and prevention programs, and for other purposes.

S. 1757

At the request of Mr. FRIST, his name was added as a cosponsor of S. 1757, a bill to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

S. RES. 239

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 239, a resolution designating November 7, 2003, as ''National Native American Veterans Day'' to honor the service of Native Americans in the United States Armed Forces and the contribution of Native Americans to the defense of the United States.

At the request of Mr. CAMPBELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 239, supra.

S. RES. 240

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. Res. 240, a resolution designating November 2003 as ''National American Indian Heritage Month''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CAMPBELL:

S. 1776. A bill to amend title 49, United States Code, relating to responsibility for intermodal equipment compliance with commercial motor vehicle safety requirements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CAMPBELL. Mr. President, today I am introducing the Intermodal Equipment Safety and Responsibility Act of 2003. This bill is a companion bill to language originally brought to the floor of the House of Representatives by my good friend from South Carolina, Representative HENRY BROWN.

Every day, literally hundreds of unsafe intermodal chassis carrying containers leave U.S. ports and travel on our public roads and highways, endangering not only the drivers of these vehicles but also the general public which shares the road with them. This bill will go a long way to ensure that only safe, roadworthy chassis are released for use and remove this often deadly threat to highway safety.

This legislation places responsibility for equipment safety and compliance with Federal and State regulations squarely where it belongs—with those who own or control the equipment. Under current law, the brunt of responsibility for equipment safety and compliance is placed on port drivers. The trucking companies and commerical drivers that service the ports do not own chassis, but are obligated by terminal operators to use the chassis provided to transport intermodal containers to and from the ports. This bill would require equipment controllers to inspect and repair intermodal equipment to meet all safety regulations prior to offering it for interchange, and to certify and document that such inspections have been performed. In addition, it gives the Federal Motor Carrier Safety Administration the authority to enter a port facility to review the inspection process and assure compliance.

This Act also requires that citations issued for violations related to the defective condition of an intermodal chassis that is not owned by that motor carrier or driver, will not affect the motor carrier's overall safety rating or the motor carrier's driving record.

The objective of this legislation is simple: to ensure that equipment controllers perform regular maintenance on intermodal equipment and give truckers safe and roadworthy equipment in compliance with current USDOT safety regulations. Professional truck drivers are not professional mechanics, nor should they be. Unfortunately, too many equipment controllers do not perform the required systematic inspection and maintenance, and truck drivers are expected to find not only visible defects, but also safety defects that are not visible.

I am joined by the Colorado Motor Carriers Association, the International Brotherhood of Teamsters, International Longshoreman's Association, the International Longshore and Warehouse Union, the American Trucking Association and the Truckload Carriers Association who all worked together diligently to reach a consensus of support for this legislation.

The traveling American public deserves to be confident that the roads they share with truckers are safe. I urge my colleagues to support this bill and ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intermodal Equipment Safety and Responsibility Act of 2003''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Promoting safety on United States highways is a national priority. The Secretary of Transportation has promulgated

the Federal Motor Carrier Safety Regulations to further this purpose. The systematic maintenance, repair, and inspection of equipment traveling on public highways in interstate commerce are an integral part of this safety regime.

(2) Intermodal transportation plays a significant role in expanding the United States economy, which depends heavily upon the ability to transport goods by various modes of transportation.

(3) Although motor carriers and their drivers often receive trailers, chassis, containers, and other items of intermodal equipment to be transported in interstate commerce, they do not possess the requisite level of control or authority over this intermodal equipment to perform the systematic maintenance, repair, and inspection necessary to ensure compliance with the applicable Federal Motor Carrier Safety Regulations and to ensure the safety of United States highways.

(4) As a result of roadside inspections, motor carriers and their drivers are cited and fined for violations of the Federal Motor Carrier Safety Regulations attributable to intermodal equipment that they do not have the opportunity to systematically maintain. These violations negatively affect the safety records of motor carriers.

SEC. 3. PURPOSE.

The purpose of this Act is to ensure that only those parties that control intermodal equipment transported on public highways in the United States (and thus have the opportunity and authority to systematically maintain, repair, and inspect the intermodal equipment) have legal responsibility for the safety of that equipment as it travels in interstate commerce.

SEC. 4. DEFINITIONS.

Section 5901 of title 49, United States Code, is amended by adding at the end the following new paragraphs:

''(9) 'motor carrier' includes—

''(A) a motor private carrier, as defined in section 13102 of this title; and

''(B) an agent of a motor carrier.

''(10) 'intermodal equipment'—

''(A) means equipment that is commonly used in the intermodal transportation of freight over public highways as an instrumentality of foreign or interstate commerce; and

''(B) includes a trailer, chassis, container, and any device associated with a trailer, chassis, or container.

''(11) 'equipment interchange agreement', with respect to intermodal equipment, means a written document that—

''(A) is executed by a controller of the equipment, or its agent, and a motor carrier; and

''(B) establishes the responsibilities and liabilities of both parties as they relate to the interchange of the equipment.

''(12) 'controller', with respect to intermodal equipment, means any party that has any legal right, title, or interest in the equipment, except that a motor carrier—

''(A) is not a controller of the equipment solely because it provides or arranges for any part of the intermodal transportation of the equipment; and

''(B) may not be considered a controller of the equipment if authority for systematic maintenance and repairs of the equipment has not been delegated to the motor carrier.

''(13) 'interchange', with respect to intermodal equipment, means the act of providing the equipment to a motor carrier for the purpose of transporting the equipment for loading or unloading by any party or repositioning the equipment for the benefit of the equipment controller, except that such term does not mean the leasing of the equipment to a motor carrier for use in the motor carrier's over-the-road freight hauling operations.

''(14) 'applicable safety regulations' means the regulations applicable to controllers of intermodal equipment under section 5909 of this title.''.

SEC. 5. JURISDICTION OVER EQUIPMENT CONTROLLERS.

Chapter 59 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 5909. Jurisdiction over equipment controller

''The authority of the Secretary of Transportation to prescribe regulations on commercial motor vehicle safety under section 31136 of this title shall apply to controllers of intermodal equipment that is interchanged or to be interchanged.''.

SEC. 6. EQUIPMENT CONTROLLER RESPONSIBILITY.

(a) IN GENERAL.—Chapter 59 of title 49, United States Code, as amended by section 5, is further amended by adding at the end the following new section:

''§ 5910. Equipment inspection, repair, and maintenance

''(a) IN GENERAL.—Notwithstanding any provision of an equipment interchange agreement, a controller of intermodal equipment that is interchanged or to be interchanged—

''(1) shall be responsible and held liable for the systematic inspection, maintenance, and repair of the equipment;

''(2) shall, each time prior to offering a motor carrier the equipment for interchange, inspect the equipment and provide such maintenance on, and make such repairs to, the equipment to ensure that such equipment complies with all applicable safety regulations at all times; and

''(3) shall not offer intermodal equipment to a motor carrier unless such equipment has been inspected and repaired as necessary to comply with such regulations.

''(b) REIMBURSEMENT.—

''(1) IN GENERAL.—In the event that a repair of interchanged intermodal equipment is necessary while in a motor carrier's possession in order to comply with applicable safety regulations, the controller of the equipment shall promptly reimburse the motor carrier for the actual expenses that are incurred by the motor carrier for the necessary repair, together with compensation for any loss incurred by the motor carrier by reason of delay in the transportation of the equipment necessitated by the need for the repair.

''(2) EXCEPTION.—The controller of intermodal equipment shall not be liable to provide reimbursement or compensation for a repair to a motor carrier under paragraph (1) if the motor carrier's negligence or willful misconduct caused the condition requiring the repair.

''(c) FINES.—The Secretary may prescribe fines against controllers of intermodal equipment for violations of this section.''.

SEC. 7. SAFETY COMPLIANCE.

(a) IN GENERAL.—Chapter 59 of title 49, United States Code, as amended by section 6, is further amended by adding at the end the following new section:

''§ 5911. Compliance with safety regulations

''(a) LIABILITY OF EQUIPMENT CONTROLLER.—Notwithstanding any provision of an equipment interchange agreement, the controller of intermodal equipment covered by such agreement shall be liable for each violation of applicable safety regulations that is attributable to such equipment and shall pay any fine, penalty, and damages resulting from such violation, except that the controller of such equipment shall not be liable for any such violations that is proximately caused by the negligence or willful misconduct of a motor carrier that is not the controller of such equipment.

''(b) LIMITATION ON LIABILITY OF MOTOR CARRIER.—A motor carrier who receives intermodal equipment through interchange may not be held liable for a violation of applicable safety regulations that is attributable to such equipment other than under the circumstances and to the extent provided in subsection (a).

''(c) LIMITATION ON EFFECT.—No record or report of a violation of applicable safety regulations attributable to interchanged intermodal equipment, whether issued by a Federal, State, or local law enforcement authority, shall have any effect on a motor carrier's overall safety rating or safety status measurement system score, as determined by the Federal Motor Carrier Safety Administration, or on a driving record of a driver for the motor carrier unless such violation was proximately caused by the negligence or willful misconduct of the motor carrier or driver, respectively.

''(d) PROCEDURE FOR RECORDS CORRECTIONS.—The Secretary of Transportation shall prescribe an expedited procedure to correct records or reports of violations that under subsection (c) should not have been adversely affected by a violation of applicable safety regulations.''.

(b) TIME FOR PRESCRIBING RECORDS CORRECTION PROCEDURES.—The Secretary shall issue final regulations setting forth the expedited procedures required by section 5910(d) of title 49, United States Code, not later than 180 days after the date of enactment of this Act.

SEC. 8. AUTHORITY TO INSPECT.

Chapter 59 of title 49, United States Code, as amended by section 7, is further amended by adding at the end the following new section:

''§ 5912. Authority to inspect

''(a) AUTHORITY.—The Secretary of Transportation is authorized to enter any facility of a controller of intermodal equipment interchanged for use on a public highway in order to inspect the equipment to determine whether the equipment complies with the applicable regulations.

''(b) INSPECTION PROGRAM.—The Secretary shall establish and implement with appropriate staffing an inspection and audit program at facilities of controllers of intermodal equipment in order to make determinations under subsection (a). Inspection of equipment and maintenance records for such equipment at such facility shall take place not less frequently than once every 3 months.

''(c) NON-COMPLYING EQUIPMENT.—Any intermodal equipment that is determined under this section as failing to comply with applicable safety regulations shall be placed out of service and may not be used on a public highway until the repairs necessary to bring such equipment into compliance have been completed. Repairs of equipment placed out of service shall be documented in the maintenance records for such equipment.''.

SEC. 9. PROHIBITION ON RETALIATION.

Chapter 59 of title 49, United States Code, as amended by section 8, is further amended by adding at the end the following new section:

''§ 5913. Penalties for retaliation

''(a) RETALIATION PROHIBITED.—A controller of intermodal equipment may not take any action to threaten, coerce, discipline, discriminate, or otherwise retaliate against a motor carrier in response to a request made by the motor carrier for maintenance or repair of equipment intended for interchange in order to comply with the applicable safety regulations.

''(b) FAILURE TO TIMELY PROVIDE SAFE EQUIPMENT DEEMED TO BE RETALIATION.—Upon receiving a motor carrier's request for maintenance or repair of intermodal equipment to be picked up by the motor carrier in an interchange of equipment, the controller of intermodal equipment shall be considered to have retaliated against the motor carrier for the purposes of this section if the controller of intermodal equipment fails to provide the motor carrier with the equipment in a condition compliant with the applicable safety regulations within 60 minutes after the motor carrier arrives to pick up the equipment at the place where the equipment is to be picked up.

''(c) PENALTY.—A controller of intermodal equipment that violates subsection (a) shall be liable to the United States Government for a civil penalty of up to $10,000 for each violation.''.

SEC. 10. DELEGATION OF MAINTENANCE RESPONSIBILITY.

Chapter 59 of title 49, United States Code, as amended by section 9, is further amended by adding at the end the following new section:

''§ 5914. Maintenance responsibility

''A controller of intermodal equipment may not delegate its responsibility to systematically maintain and repair equipment intended for interchange to a motor carrier or motor carrier agent in an equipment interchange agreement.''.

SEC. 11. COMPATIBILITY OF STATE LAWS.

(a) IN GENERAL.—Chapter 59 of title 49, United States Code, as amended by section 10, is further amended by adding at the end the following new section:

''§ 5915. Compatibility of State laws

''(a) PREEMPTION GENERALLY.—Except as provided in subsection (b) or as otherwise authorized by Federal law, a law, regulation, order, or other requirement of a State or political subdivision of a State, or of a tribal organization, is preempted if compliance with such law, regulation, order, or other requirement would preclude compliance with a requirement imposed under this chapter.

''(b) CERTAIN RULES NOT PREEMPTED.—A law, regulation, order, or other requirement of a State or political subdivision of a State, or of a tribal organization, shall not be preempted under subsection (a) if such law, regulation, order, or other requirement is more stringent than, but otherwise compatible with, a requirement under this chapter.

''(c) TRIBAL ORGANIZATION DEFINED.—In this section, the term 'tribal organization' has the meaning given such term in section (4)(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).''.

SEC. 12. REPEAL OF OBSOLETE PROVISION.

Section 5907 of title 49, United States Code, is repealed.

SEC. 13, CLERICAL AMENDMENTS.

The table of sections at the beginning of such chapter is amended—

(1) by striking the item relating to section 5907; and

(2) by adding at the end the following:

''5909. Jurisdiction over equipment controller.
''5910. Equipment inspection, repair, and maintenance.
''5911. Compliance with safety regulations.
''5912. Authority to inspect.
''5913. Penalties for retaliation.
''5914. Maintenance responsibility.
''5915. Compatibility of State laws.''.

SEC. 14. IMPLEMENTING REGULATIONS.

(a) REGULATIONS.—The Secretary of Transportation, after notice and opportunity for comment, shall issue regulations implementing the provisions of this Act. The regulations shall be issued as part of the Federal Motor Carrier Safety Regulations of the Department of Transportation. The implementing regulations shall include—

(1) a requirement to identify controllers of intermodal equipment that is interchanged or intended for interchange in intermodal transportation;

(2) a requirement to match such equipment readily to its controller through a unique identifying number;

(3) a requirement to ensure that each controller of intermodal equipment maintains a system of maintenance and repair records for such equipment;

(4) a requirement to evaluate the compliance of controllers of intermodal equipment with the applicable Federal Motor Carrier Safety Regulations;

(5) a provision that prohibits controllers of intermodal equipment that fail to attain satisfactory compliance with such regulations from authorizing the placement of equipment on public highways;

(6) a requirement for the Secretary to consider the effect that adequate maintenance facilities may have on safety condition of equipment;

(7) a process by which motor carriers and agents of motor carriers may anonymously petition the Federal Motor Carrier Safety Administration to undertake an investigation of a noncompliant controller of intermodal equipment;

(8) administrative procedures to resolve disputes arising under the regulations; and

(9) the inspection and audit program required under section 5912(b) of title 49, United States Code, as added by section 8.

(b) TIME FOR ISSUING REGULATIONS.—The regulations required under subsection (a) shall be developed pursuant to a rulemaking proceeding initiated not later than 120 days after the date of the enactment of this Act and shall be issued not later than one year after such date of enactment.

(c) DEFINITIONS.—For the purposes of this section, the definitions set forth in section 5901 of title 49, United States Code, as amended by section 4, shall apply.

SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Federal Motor Carrier Safety Administration such sums as may be necessary for the establishment and implementation of the inspection program required under section 5912 of title 49, United States Code, as added by section 8.

SEC. 16. EFFECTIVE DATE.

Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of this Act and the amendments made by such sections shall take effect 30 days after the date of the enactment of this Act.

By Ms. MURKOWSKI:

S. 1778. A bill to authorize a land conveyance between the United State and the City of Craig, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, today I introduce along with my colleague, Senator STEVENS, an important bill that will facilitate Forest Service land management on Prince of Wales Island and help community expansion and development. The City of Craig is the economic center of Prince of Wales Island, the third largest island in the country. The town contains the major retail shopping and service outlets on the island and island residents drive up to a hundred miles round trip to come to town for medical services and shopping. Craig also has the most active and largest commercial fishing harbor and fleet on the island.

Due to land selection conflicts between the Forest Service and the State of Alaska in the 1960's, the city of Craig received no municipal entitlement land. This legislation will help alleviate some of the loss to the city from the lack of an entitlement.

One of the Forest Service's main administrative facilities, the Craig Ranger District Station is located in Craig. The Craig Ranger has management authority over approximately one million acres on Prince of Wales Island. It is critical that the Forest Service has the tools it needs to provide good management for that part of the island. One of these tools is the presence of some Federal land near the Craig Ranger Station. Right now, there is not any Forest Service land near the Ranger Station. In an unusual situation for Alaska, the Ranger Station is an in holding among private, state, and City owned land.

This legislation would provide for a three way conveyance process which would result in three parcels of land now owned by the City being conveyed into the National Forest and an in holding owned by a private entity being acquired by the City.

To use the vernacular, this is one of those situations people like to describe as ''win-win.'' Providing a recreational opportunity in the Forest at Craig benefits the public and the city of Craig would obtain land vital to its future community development plan.

What our legislation does is authorize the Federal Government to accept conveyance of land from the City of Craig and authorize an appropriation for land acquisition. The funding would be used by the city of Craig to purchase the private land at Craig. In return the city would convey to the Federal Government up to 346 acres of land it now owns to the Tongass National Forest. This land is highly prized for local recreation and would provide the Craig Ranger District with a missing piece of its management scheme by providing a recreation site within short walking distance of the Ranger Station.

Right now, visitors to the Forest come to the Craig Ranger Station to orient themselves to the Forest. One of the things they look for is onsite recreation in the Forest from the Ranger Station. But there is none. Because of the land conveyance status directly around Craig, there is no Forest land in that area.

However, the city of Craig owns almost 350 acres of prime recreational land including a dedicated trail in the immediate vicinity from the Ranger Station. The Forest should own this land so that it can integrate the parcel into its land management plans.

The property to be acquired by the city of Craig is a cannery site dating from the early 1900's which has not been used since the early 1980's. It is prime land for the city to redevelop in

order to improve its community management plan and to provide economic stimulus in Craig. The parcel includes both uplands and tidelands and could be used by Craig to develop a good port and harbor and to provide first class land for retail merchants and other community services.

Senator STEVENS and I strongly support the needs of Craig in developing its local economy.

The entire island is in transition. In the early 1980's, the city and Prince of Wales Island were the center of a vibrant timber based economy that provided thousands of direct and indirect jobs to the Island. Much of that is now gone as a result of unfortunate Federal policies which have devastated the timber based economy on Prince of Wales Island and much of Southeastern Alaska.

According to unemployment data published by the Alaska Department of Labor, unemployment rates in Craig's census area regularly exceed 20 percent. Their annual rate of unemployment is typically more than twice the national average.

We must help Craig in its transition to another economy. The city leaders are dynamic and visionary people who have provided real leadership on the island. They have worked hard to help maintain the remaining timber plant at Klawock to provide year round employment to city and Island residents. They have organized along with their neighbors, the Prince of Wales Community Advisory Council, an association of municipalities and Native and non Native communities to work as a team on island wide projects.

Passage of this legislation is critical to the future of the city of Craig. It will provide a great management tool to the Forest Service and increase recreational opportunities for the local and visiting public.

I urge my colleagues to join me in moving forward on this legislation. All of the conveyances in the legislation will be subject to appraisals as required by the Federal Government. The Federal Government will receive equal value in land from the city. The passage of this Act is good for the public and for the residents of Craig.

By Mr. BINGAMAN (for himself, Mr. INOUYE, Mr. DASCHLE, Mrs. MURRAY, Mr. DAYTON, Mr. JOHNSON, Ms. CANTWELL, and Ms. STABENOW):

S. 1779. A bill to amend title XVIII of the Social Security Act to provide for fairness in the provision of medicare services for Indians; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I am introducing today the Medicare Indian Health Fairness Act of 2003 with Senators INOUYE, DASCHLE, MURRAY, DAYTON, JOHNSON, CANTWELL, and STABENOW. This legislation would take a number of steps to improve the delivery of health care to Native Amerians through Medicare and the Indian Health Service, IHS, system.

First and foremost, Indian Health Service and tribal hospitals and clinics, which provide health care to American Indians on or near reservations and to Alaska Natives, are currently unable to bill for all Medicare Part B services. In effect, the Indian Health Service is subsidizing the Medicare program because those services, which would otherwise be paid for by Medicare, are instead paid for by IHS, which is horribly underfunded.

In 2000, IHS hospitals and clinics were made eligible to bill Medicare for certain Part B services for the first time, including services delivered by physicians and certain other practitioners, but those services were limited and denied payment for Part B items and services, such as the following: Durable medical equipment—this includes such items as wheelchairs, as well as blood testing strips and blood monitors for diabetes patients, which is a severe problem among Native Americans; home and some institutional dialysis supplies and equipment—since the prevalence of diabetes in American Indians—Alaska Natives is three times the rate in the general U.S. population, Indian people experience a high rate of renal disease, including end state renal disease; cancer screening; pap smears; glaucoma screening; clinic or hospital-based ambulance services; prosthetic devices; covered vaccines, including hepatitis B, pneumococcal and influenza chemotherapy drugs; and clinical laboratory services.

This legislation would simply make these Indian health facilities and providers eligible for payment for all Part B Medicare-covered items and services to the same extent that any other provider would be eligible for payment.

Furthermore, the bill assures that Native Americans should have the same access to Medicare services as any other American. If IHS providers are unable to bill for such Medicare services, IHS budget shortfalls may result in rationing and delays in treatment. For some, it means going out of the IHS system to get prompt service, as other providers are able to bill the Medicare program. Native Americans and IHS providers should not be subject to such barriers to care and payment. Nor should they be subject to such complexity, as they are only prohibited from billing and receiving payment for certain Part B services.

There is absolutely no policy rationale for limiting the payment to IHS, tribal hospitals and clinics to only certain Medicare Part B services. I urge the Senate to end this unfortunate disparity.

Fortunately, identical language has been included in S. 1, the Medicare prescription drug bull that passed the Senate earlier this month. I offered an amendment with Senator DASCHLE, amendment No. 973, on the Senate floor and was pleased that it was accepted by Chairman GRASSLEY and Ranking Member BAUCUS accepted it as part of the manager's amendment prior to final passage of the bill.

In addition to that important provision, the ''Medicare Indian Health Fairness Act'' includes another provision that was adopted as part of S. 1 as a Bingaman amendment during the Finance Committee mark-up. This provision requires Medicare providers to charge no more than Medicare rates for inpatient hospital services provided to Indians who are eligible for contract health services from the Indian Health Service, tribally operated health programs, and urban Indian organizations.

This allows IHS to maximize its purchase of contract health services, just as is done by the Department of Veterans Affairs and the Department of Defense. Since the contract health services, CHS, account is chronically underfunded, IHS and the tribes seriously ration and often exhaust those funds before the end of the fiscal year. In fiscal year 2001 alone, the Indian Health Service had insufficient funding to provide services for over 100,000 cases that met its medical priority criteria and denied 22,000 other cases of medically necessary care which did not meet IHS medical priorities. Therefore, this section of the bill would enable IHS and tribes to achieve greater economy for the provision of contract health services.

The Department of Health and Human Services Office of Inspector General's Cost-Saver Handbook has annually made this recommendation. As per its 2003 Red Book or cost-saver handbook reads:

> As a federal purchaser of inpatient health care from the private sector, IHS should receive rates commensurate with those received by other federal agencies that engage in similar purchases [such as the VA and DOD].

The Inspector General adds:

> If the favorable Medicare rates were legislatively required, the dollars saved could be applied to the backlog of patient services that cannot be accommodated in the Contract Health Services program.

And last, the legislation includes a section intended to bring a measure of consistency, rationality and efficiency to the Medicare payment rate for all clinics in the Indian Health Service-supported health care system. This language creates a uniform payment methodology that would be available to all IHS and tribal clinics and corrects the current situation where payment rates differ widely—based not on the nature of the services a clinic provides, but on whether the facility is operated by the IHS or operated by a tribe, and whether the clinic is considered provider-based or free-standing. Since all clinics provide primary patient care and arrange for secondary, tertiary and specialty care on a referral basis, there is no rational reason for the wide disparity in the Medicare payment methodologies for these facilities.

The legislation would give all Indian clinics the ability to collect reimbursement from the same IHS–CMS all-inclusive rate. Application of the same

all-inclusive rate to all clinics would have the added value of being efficient and economical to use at the clinic level and would apply the same payment method in Medicare, by which IHS-funded clinics are reimbursed, as they receive in Medicaid.

This section of the bill was the only one not included in S. 1, but the rationale for it makes it an important component of this bill and something we hope to see passed into law as well.

Although these provisions address a diversity of problems IHS providers and clinics have with respect to the Medicare program, they are critical and we should pass all of these provisions either as part of a conference agreement on S. 1, as part of the ''Indian Health Care Improvement Act,'' or on their merits through passage of this freestanding bill.

I would like to thank Senators INOUYE, DASCHLE, MURRAY, DAYTON, JOHNSON, CANTWELL, and STABENOW for being original cosponsors of this important legislation. I ask for unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Indian Health Fairness Act of 2003''.

SEC. 2. AUTHORIZATION OF REIMBURSEMENT FOR ALL MEDICARE PART B SERVICES FURNISHED BY CERTAIN INDIAN HOSPITALS AND CLINICS.

(a) IN GENERAL.—Section 1880(e) of the Social Security Act (42 U.S.C. 1395qq(e)) is amended—

(1) in paragraph (1)(A), by striking ''for services described in paragraph (2)'' and inserting ''for all items and services for which payment may be made under such part'';

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the first day of the sixth month beginning after the date of enactment of this Act.

SEC. 3. LIMITATION ON CHARGES FOR INPATIENT HOSPITAL CONTRACT HEALTH SERVICES PROVIDED TO INDIANS BY MEDICARE PARTICIPATING HOSPITALS.

(a) IN GENERAL.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (R), by striking ''and'' at the end;

(2) in subparagraph (S), by striking the period and inserting '', and''; and

(3) by adding at the end the following new subparagraph:

''(T) in the case of hospitals which furnish inpatient hospital services for which payment may be made under this title, to be a participating provider of medical care—

''(i) under the contract health services program funded by the Indian Health Service and operated by the Indian Health Service, an Indian tribe, or tribal organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), with respect to items and services that are covered under such program and furnished to an individual eligible for such items and services under such program; and

''(ii) under a program funded by the Indian Health Service and operated by an urban Indian organization with respect to the purchase of items and services for an eligible urban Indian (as those terms are defined in such section 4), in accordance with regulations promulgated by the Secretary regarding admission practices, payment methodology, and rates of payment (including the acceptance of no more than such payment rate as payment in full for such items and services).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply as of a date specified by the Secretary of Health and Human Services (but in no case later than 6 months after the date of enactment of this Act) to medicare participation agreements in effect (or entered into) on or after such date.

SEC. 4. EQUAL PAYMENTS FOR CLINICS IN THE INDIAN HEALTH SERVICE SUPPORTED HEALTH CARE SYSTEM.

(a) IN GENERAL.—Section 1880 of the Social Security Act (42 U.S.C. 1395qq) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

''(f) Notwithstanding any other provision of law, for purposes of determining the rate of reimbursement for items and services under this title, any outpatient or ambulatory care clinic (whether freestanding or provider-based) operated by the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization (as those terms are defined in section 4 of the Indian Health Care Improvement Act), shall, upon the election of such clinic, be reimbursed on the same basis as if such clinic were a hospital outpatient department of the Indian Health Service.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to items and services furnished on or after the first day of the sixth month beginning after the date of enactment of this Act.

By Mr. BIDEN (for himself, Mr. HATCH, Mr. GRASSLEY, and Mr. HARKIN):

S. 1780. A bill to amend the Controlled Substances Act to clarify the definition of anabolic steroids and to provide for research and education activities relating to steroids and steroid precursors; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise tonight to introduce, along with my good friend from Utah, Senator HATCH, the distinguished Chairman of the Judiciary Committee, the ''Anabolic Steroid Control Act of 2003.'' Over the last several weeks, we have read front-page articles on the dangerous mix of sports and steroids, including a new ''designer'' steroid tetrahydrogestrinone, known as ''THG.'' Several premier athletes have allegedly tested positive for THG, and there is a Federal grand jury investigation into the alleged manufacture and distribution of this new substance. Our bill would make THG, and several other similar substances, subject to the Controlled Substances Act. Thus, these products would no longer be available over the counter. Absent a prescription from your doctor, you will not be able to buy them legally.

First, a bit of background on how we got here. Thirteen years ago I held a number of hearings on the dangers associated with steroid use and introduced legislation to make steroids Schedule III substances. After my bill became law, a number of steroid users continued to buy and use steroids only now they were buying them through a developing illicit market. Others relied on new products being developed or rediscovered by scientists, products which may not violate the letter of the law, but certainly violate the spirit of the law.

These substances, called steroid precursors or pro-steroids, are one step removed from the substances scheduled in the law: when ingested, they metabolize into testosterone or other illicit steroids. These are products which the United States Anti-Doping Agency, the group in charge of testing Olympic athletes for performance enhancing drugs, has called ''the functional equivalent of steroids.''

In writing about the lack of testing for steroid precursor use in professional baseball, Barry Rozner of the Chicago Daily Herald described the close relationship between steroids and steroid precursors. He wrote:

> There's still no testing for andro (androstenedione) because technically it's not a steroid. It's a steroid precursor. Technically a cake mix isn't a cake but as soon as you pour it in a bowl and stick it in the oven, it's a cake. You put andro in the body, mix it with the body's chemicals and let it bake, and it turns into a powerful steroid. If it walks like a duck and talks like a duck, baseball calls it a sparrow.

The most well known of the steroid precursors is androstenedione often called ''andro.'' Most recently Hiram Cruz, a 2001 national judo champion, was suspended from competition for two years after testing positive for andro. And it is widely thought that some East German Olympic athletes used it in the 1970s and 1980s to improve their performance. But perhaps the substance gained the most notoriety when professional baseball player Mark McGuire admitted that he used it when he broke Roger Maris's single season record for home runs. After McGuire revealed that he had taken andro, sales of the product quadrupled.

Andro increases both testosterone and estrogen levels in the body. According to a study published in the Journal of the American Medical Association ''orally administered adrostenedione increases serum testosterone and estrogen levels in healthy men, particularly at higher doses.'' The study further notes that ''long-term administration could be hazardous, particularly in women or children.'' Another study showed that even a single 100 milligram dose of andro can yield unhealthy levels of testosterone in women and can increase estrogen levels by 80 percent. Andro has also been associated with a decrease in HDL the ''good'' cholesterol and elevated levels of estradiol which may increase women's risk of breast cancer.

As I will discuss in greater detail later, in addition to the grave health effects associated with using andro and other steroid precursors, the physical effects can also be quite serious: women can develop masculine sex characteristics including changing of the sexual organs; men can develop feminine sex characteristics including breast development; and adolescent users can stunt their growth.

The International Olympic Committee, the National Football League and the National Collegiate Athletics Association have banned andro and other steroid supplements. Other sports, particularly baseball, have been criticized for refusing to agree to test players for steroid precursors. I should note that Major League Baseball has endorsed the legislation I am introducing today. And at a hearing in the Senate Commerce Committee last year, Donald Fehr, the Executive Director of the Major League Baseball Players Association, said that ''it may well be time for the Federal Government to revisit whether steroid precursors should also be covered by Schedule III.'' I agree with him. Interestingly enough, so do the 79 percent of major league baseball players and nearly 86 percent of baseball fans who, according to surveys conducted by USA Today last year, support testing for steroids and performance-enhancing drugs.

The USA Today survey also revealed that 80 percent of fans believe that steroid use is behind some of the major league records that have been broken recently. It is understandable, therefore, that some players may support testing to preserve the integrity of their records. As Yankees' shortstop Derek Jeter has been quoted as saying:

> I don't have a problem with getting tested because I have nothing to hide. Steroids are a big issue. If anything like a home run or any injury happens, people say it's steroids. That's not fair.

In my view, it is time for Congress to act so that we can put an end to the charade that androstenedione and similar products are any different from the anabolic steroids that are controlled under current law.

To be honest I would be less concerned about what professional athletes are doing to their bodies if their actions did not have such a profound effect on kids. A study by the Kaiser Family Foundation revealed that nearly three-quarters of kids say that they look up to and want to emulate professional athletes. Sadly, more than half of those kids believe that their sports heroes use steroids and other performance enhancing drugs to win. That may be why adolescent anabolic steroid use is at its highest level in the past decade, with 1 million teens having used them.

As Dr. Bernard Greisemer, a pediatrician and sports medicine specialist, testified before the Senate last year, many of these products are marketed to kids who want to be like their favorite sports hero. Dr. Greisemer said:

> [P]rofessional athletes are major role models for our young athletes; in the clothes they wear, the cars they drive, the food they eat, and the drugs and dietary supplements they take. The millions of dollars that are spent by major corporations in linking their products to a particular athlete, team, or sporting event, counter any argument that professional athletes are not affecting the lifestyles of our young athletes. Use of and media exposure of the use of, anabolic steroids in professional athletes also directly affects the interest in, the perception of benefits of, and the use of these substances.

There are plenty of children and adults who believe that supplements will make them faster and stronger. That they'll have bigger muscles and be more like their favorite athlete. That they'll have a competitive advantage or have what it takes to win. In reality, they are jeopardizing their health. The ignorance of the consequences of using these substances is astounding. A study by Blue Cross/Blue Shield found that 70 percent of kids and half of parents surveyed were unable to identify even one negative side effect associated with performance-enhancing drugs. And 80 percent of kids reported that their parents have never talked to them about the dangers of steroid use. Clearly there is quite a bit of education to be done about these very dangerous substances.

Let me go through just a few of the side effects of steroid use. In both males and females it can lead to increased blood pressure, increased risk of heart attack and stroke, liver and cardiac dysfunction, increased libido, aggressiveness and appetite, and acne. For males, steroid use can lead to breast development, premature balding, testicular atrophy, decreased sperm count and prostate enlargement. Females can develop masculine sex characteristics including increased body hair, facial hair, deepening of the voice, male pattern baldness and changes to the sex organs. And among adolescent users, steroid precursor use can lead to stunted growth due to hardening of cartilage. Many of these side-effects are irreversible.

Quite troubling to me is that some people are taking these substances unwittingly. It is not unusual for manufacturers of creatine or other performance enhancing substances to put andro or another precursor into their product to give them a competitive edge over a competitor's products.

Clearly these substances are dangerous and they should not be widely available over the counter. That is why I am joining with Senator HATCH and Senator GRASSLEY today to introduce the Anabolic Steroid Control Act of 2003.

My bill does four things. First, it amends the Anabolic Steroid Control Act of 1990 by adding THG, androstenedione and their chemical cousins to the list of anabolic steroids controlled under the Controlled Substances Act and makes it easier for the DEA to add similar substances to that list in the future. This would prohibit people from obtaining these substances over the counter without a prescription in either their pure form or as an additive to another product.

Second, it 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. That means that someone trafficking 300,000 doses faces a maximum of three and a half year behind bars. That does not seem to be enough of a deterrent and I hope the Sentencing Commission will consider raising the guidelines for steroid trafficking.

Third, the bill authorizes $15 million for the Secretary of Health and Human Services to award grants to public and non-profit entities to carry out science-based education programs in elementary and secondary schools to highlight the harmful effects of anabolic steroids. Preference will be given to programs based on the Athletes Training and Learning to Avoid Steroids program (ATLAS), the Athletes Targeting Healthy Exercise and Nutrition Alternatives (ATHENA) program, and other programs which the National Institute on Drug Abuse has determined to be effective. ATLAS, which is aimed at male student athletes, has been named as one of the Department of Education's Exemplary Programs and is one of the Substance Abuse and Mental Health Services Administration's Model Programs. ATHENA is ATLAS's companion program designed for female athletes.

Finally, the bill directs the Secretary of Health and Human Services to include questions about steroid use in the National Survey on Drug Use and Health, an annual survey to measure the extent of alcohol, drug and tobacco use in the United States. The bill authorizes $1 million for this purpose.

I'm proud to say that the bill has been endorsed by a wide range of medical, athletic and drug policy organizations including: American Academy of Family Physicians; American Academy of Pediatrics; American College of Obstetricians and Gynecologists; American College for Sports Medicine; American Council on Exercise; American Medical Association; Association of Tennis Professionals; Blue Cross Blue Shield Association; Boys and Girls Clubs; Community Anti-Drug Coalitions of America; Consumer Healthcare Products Association; Council for Responsible Nutrition; The Endocrine Society; The Hormone Foundation; Little League; Major League Baseball; National Athletic Trainers Association; The National Center on Addiction and Substance Abuse at Columbia University; National Collegiate Athletic Association; National Federation of State High Schools Association;

National Football League; National High School Athletic Coaches Association; National Junior College Athletic Association; National Nutritional Foods Association; Pharmacists Planning Services, Inc.; United States Anti-Doping Agency; U.S. Olympic Committee; U.S. Biathlon Association; U.S. Soccer Federation; USA Cycling; USA Luge; USA Swimming; USA Track and Field and Utah Natural Products Alliance.

I urge my colleagues to support this legislation and I hope that it will be enacted into law soon.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Anabolic Steroid Control Act of 2003''.

SEC. 2. 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);

(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) androstanediol—

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

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

''(ii) androstanedione (5α-androstan-3,17-dione);

''(iii) androstenediol—

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

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

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

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

''(iv) androstenedione—

''(I) 1-androstenedione ([5α]-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 (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

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

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

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

''(ix) dehydrochlormethyltestosterone (4-chloro-17β-hydroxy-17α-methyl-androst-1,4-dien-3-one);

''(x) 4-dihydrotestosterone (17β-hydroxy-androstan-3-one);

''(xi) drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one);

''(xii) ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene);

''(xiii) fluoxymesterone (9-fluoro-17α-methyl-11β,17β-dihydroxyandrost-4-en-3-one);

''(xiv) formebolone (2-formyl-17α-methyl-11α,17β-dihydroxyandrost-1,4-dien-3-one);

''(xv) furazabol (17α-methyl-17β-hydroxyandrostano[2,3-c]-furazan);

''(xvi) 18α-homo-17β-hydroxyestr-4-en-3-one (13β-ethyl-17β-hydroxygon-4-en-3-one);

''(xvii) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one);

''(xviii) 4-hydroxy-19-nortestosterone (4,17β-dihydroxy-estr-4-en-3-one);

''(xix) mestanolone (17α-methyl-17β-hydroxy-5α-androstan-3-one);

''(xx) mesterolone (1α-methyl-17β-hydroxy-[5α]-androstan-3-one);

''(xxi) methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien-3-one);

''(xxii) methandriol (17α-methyl-3β,17β-dihydroxyandrost-5-ene);

''(xxiii) methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3-one);

''(xxiv) methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one);

''(xxv) mibolerone (7α,17α-dimethyl-17β-hydroxyestr-4-en-3-one);

''(xxvi) nandrolone (17β-hydroxyestr-4-en-3-one);

''(xxvii) norandrostenediol—

''(I) 19-nor-4-androstenediol (3β, 17β-dihydroxyestr-4-ene);

''(II) 19-nor-4-androstenediol (3α, 17β-dihydroxyestr-4-ene);

''(III) 19-nor-5-androstenediol (3β, 17β-dihydroxyestr-5-ene); and

''(IV) 19-nor-5-androstenediol (3α, 17β-dihydroxyestr-5-ene);

''(xxviii) norandrostenedione—

''(I) 19-nor-4-androstenedione (estr-4-en-3,17-dione); and

''(II) 19-nor-5-androstenedione (estr-5-en-3,17-dione;

''(xxix) norbolethone (18α-homo-17β-hydroxypregna-4-en-3-one);

''(xxx) norclostebol (4-chloro-17β-hydroxyestr-4-en-3-one);

''(xxxi) norethandrolone (17α-ethyl-17β-hydroxyestr-4-en-3-one);

''(xxxii) oxandrolone (17α-methyl-17β-hydroxy-2-oxa-[5α]-androstan-3-one);

''(xxxiii) oxymesterone (17α-methyl-4,17β-dihydroxyandrost-4-en-3-one);

''(xxxiv) oxymetholone (17α-methyl-2-hydroxymethylene-17β-hydroxy-[5α]-androstan-3-one);

''(xxxv) stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);

''(xxxvi) stenbolone (17β-hydroxy-2-methyl-[5α]-androst-1-en-3-one);

''(xxxvii) testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

''(xxxviii) 1-testosterone (17β-Hydroxy-5α-androst-1-en-3-one);

''(xxxix) testosterone (17β-hydroxyandrost-4-en-3-one);

''(xl) tetrahydrogestrinone (13β,17α-diethyl-17β-hydroxygon-4,9,11-trien-3-one);

''(xli) trenbolone (17β-hydroxyestr-4,9,11-trien-3-one); and

''(xlii) any salt, ester, or ether of a drug or substance described in this paragraph; and

(C) by adding at the end the following:

''(C) Notwithstanding subparagraph (A), the Attorney General may not schedule Androstenedione as a controlled substance in accordance with this Act until the Attorney General receives a finding from the Commissioner of Food and Drugs relating to whether Androstenedione is lawfully marketed under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).''; 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) is amended—

(1) by striking subsection (a); and

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

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. PREVENTION AND EDUCATION PROGRAMS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this Act as the ''Secretary'') shall award grants to public and nonprofit private entities to enable such entities to carry out science-based education programs in elementary and secondary schools to highlight the harmful effects of anabolic steroids.

(b) ELIGIBILITY.—

(1) APPLICATION.—To be eligible for grants under subsection (a), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that intend to use grant funds to carry out programs based on—

(A) the Athletes Training and Learning to Avoid Steroids program;

(B) the Athletes Targeting Healthy Exercise and Nutrition Alternatives program; and

(C) other programs determined to be effective by the National Institute on Drug Abuse.

(c) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used primarily for education programs that will directly communicate with teachers, principals, coaches, as well as elementary and secondary school children concerning the harmful effects of anabolic steroids.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $15,000,000 for each of fiscal years 2004 through 2009.

SEC. 5. NATIONAL SURVEY ON DRUG USE AND HEALTH.

(a) IN GENERAL.—The Secretary of Health and Human Services shall ensure that the National Survey on Drug Use and Health includes questions concerning the use of anabolic steroids.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $1,000,000 for each of fiscal years 2004 through 2009.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator BIDEN and Senator HATCH as a co-sponsor of the Steroid Control Act of 2003. Our youth need to understand that while the short-term use of steroids may seem beneficial, the long-term effects on overall health can be extremely harmful or even fatal. Adults need to be more vigilant in ensuring young people are not able to obtain these dangerous substances. The Steroid Control Act is an important step in working toward that goal.

According to the latest Monitoring the Future Survey, 2.5 percent of eighth graders, 3.5 percent of tenth graders and 4.0 percent of twelfth graders used steroids at least once during their lifetime. Teens in particular seem to believe the myth that steroid abuse, typically at 10 to 100 times what might be prescribed by a doctor, is a quick way to gain muscle mass with little cost.

But steroid abuse is associated with a range of physical and emotional problems. According to the National Drug Intelligence Center, the dangers associated with steroid use include liver tumors and cancer, jaundice, high blood pressure and increases in cholesterol levels, kidney tumors, fluid retention, and severe acne. Adolescents in particular risk prematurely halting their growth because of early skeletal maturation and acceleration of puberty. The emotional problems associated with steroid use include dramatic mood swings, including manic symptoms that can lead to violence called ''roid'' rage, depression, paranoid jealousy, extreme irritability, delusions, and impaired judgment.

This Bill makes clarifications to the Steroid Control Act passed in 1990. It will make it easier to add steroid precursors such as androstenedione, THG, and other similar substances—many of which have been developed since the Steroid Control Act of 1990 passed in order to evade the law—to the list of Schedule III anabolic steroids. In addition, it adds a number of known steroid precursors to the anabolic steroid list, and removes the requirement that a substance be proven to promote muscle growth.

The Steroid Control Act also directs the United States Sentencing Commission to review the Federal sentencing guidelines for crimes involving anabolic steroids. It provides an opportunity to conduct prevention programs for young students to educate them on the dangers of using steroids.

I encourage my colleagues to join us in supporting these important reforms.

By Mr. DORGAN (for himself, Ms. SNOWE, Ms. STABENOW, Mr. JOHNSON, Mr. PRYOR, Mr. DAYTON, Mr. LEAHY, Mr. LEVIN, Mr. FEINGOLD, Mr. MCCAIN, and Mr. JEFFORDS):

S. 1781. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the re-importation of prescription drugs, and for other purposes; read the first time.

Mr. DORGAN. Mr. President, today I am introducing the Pharmaceutical Market Access Act of 2003 in the Senate, along with my colleagues, Senators SNOWE, STABENOW, JOHNSON, PRYOR, DAYTON, LEAHY, LEVIN, FEINGOLD, MCCAIN, and JEFFORDS. This legislation is the Senate companion to H.R. 2427, which passed the House of Representatives by a wide, bipartisan 243–186 vote earlier this year.

This bill would give Americans the benefit of the global market in purchasing FDA-approved medicines. Rather than paying the highest prices in the world for their prescription drugs, Americans, through their local pharmacist or drug wholesaler, should be able to access FDA-approved medicines from Canada and 24 other major industrialized countries. The Congressional Budget Office recently estimated that this legislation would save taxpayers $40.4 billion, including $4.5 billion in savings for the Federal Government.

As my colleagues know, the conference committee on Medicare currently has before it House and Senate bills that include pharmaceutical market access provisions. My hope is that the Medicare conferees will include strong drug importation language that will give American consumers immediate relief from high drug prices. If not, however, I will fight to have this bill called up separately in the Senate at the earliest available opportunity.

I ask unanimous consent that the text of my legislation be printed in the RECORD.

By Mr. DASCHLE (for Mr. KERRY):

S. 1782. A bill to provide duty-free treatment for certain tuna; to the Committee on Finance.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mr. KERRY. Mr. President, I rise to introduce legislation that is designed to eliminate tariffs on certain tuna products imported into the United States from member nations of the Association of Southeast Asian Nations (ASEAN).

ASEAN is a force for stability and development in Southeast Asia and pursuit of cooperative economic policies is critical to the relationship. The ASEAN nations include countries such as the Philippines, Thailand, Indonesia and Malaysia that are valuable trading partners and important friends and allies in the ongoing fight against world terrorism.

Several of the ASEAN nations import processed tuna imported into the United States. This includes pouch tuna, which is a relatively new product that uses an innovative process to vacuum pack tuna into easy to use and environmentally friendly airtight pouches for commercial and retail sale. A few creative companies, including Jana Brands, Inc. of Natick, Massachusetts, pioneered pouch tuna in the United States.

Tuna imported from the ASEAN nations is subject to higher tariffs upon entry into the United States. A provision was included in the Trade Act of 2002 that gives duty-free treatment to pouch but not canned tuna imported from the beneficiary countries of the Andean Trade Promotion and Drug Eradication Act. I understand that the Andean Pact preferences are intended to increase production and trade with the United States in certain products and wean their economies away from any dependence on the production of crops used to make illegal drugs. I support the rationale behind the Andean Pact but it is also true that duty free treatment for pouch tuna imported from Andean countries puts pouch tuna imported from ASEAN member nations at a competitive disadvantage.

To restore fair trade and to benefit U.S. consumers and workers, I am introducing the ''Fair Trade in Pouch Tuna Act of 2003''. This bill provides limited duty free treatment for tuna packed in airtight pouches imported from ASEAN nations that meet internationally recognized labor standards and environmental protections. The legislation requires that these imports come only from ASEAN nations that provide and enforce recognized worker rights and environmental protections.

This legislation is just the first step. I look forward to working with the many parties that may be interested in this issue to craft a successful proposal.

By Mr. SARBANES (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. ALLEN):

S. 1783. A bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes; to the Committee on Governmental Affairs.

Mr. SARBANES. Mr. President, I am pleased to introduce the Federal Employee Commuter Benefits Act of 2003, which is cosponsored by my colleagues Senators MIKULSKI, WARNER, and ALLEN. This bill will guarantee transit benefits to all Federal employees in the National Capital Area and will remove a restriction that currently forbids Federal agencies from providing employee shuttles to and from transit stations. This measure is an important step forward in our efforts to encourage transit ridership and improve the quality of life for Federal employees in the Washington, D.C. region and throughout the nation.

All across the Nation, congestion and gridlock are taking their toll in terms

of economic loss, environmental impact, and personal frustration. According to the Texas Transportation Institute, in 2001 Americans in 75 urban areas spent 3.6 billion hours stuck in traffic, with an estimated cost to the nation of $69.5 billion in lost time and wasted fuel. In response, Americans are turning to alternative transportation options in record numbers. The American Public Transportation Association estimates that Americans now take over 9 billion trips on transit per year, the highest level in more than 40 years.

Transit benefit programs are playing a vital role in increasing transit ridership, which benefits both transit users and drivers. In 1998, the Transportation Equity Act for the 21st Century amended the tax code to allow financial incentives related to commuting costs for employers and employees. These transit benefits allowed employers to offer a tax-free financial incentive toward the costs of transit commuting, starting at $65 per month and raised in 2002 to $100 per month.

Based upon the findings of the Environmental Protection Agency and the U.S. Department of Transportation, there are clear improvements to congestion, energy efficiency, and air quality from transit benefit programs. According to their findings, an employer with 1,000 employees that participates in a combination of transit benefits, carpool, and telecommuting programs can take credit for taking 175 cars off the road, saving 44,000 gallons of gasoline per year, and cutting global warming pollution by 420 tons per year on average.

In April 2000, an Executive Order was signed requiring all executive branch agencies in the National Capital Region to offer transit benefits to their employees. As a result, Federal employees commuting to Washington, D.C. from Montgomery, Prince George's, and Frederick Counties, Maryland, several counties in Northern Virginia, and as far away as West Virginia, are encouraged to choose transit as their means to get to work.

According to the Washington Metropolitan Area Transit Authority and the U.S. Department of Transportation, by 2001 more than 110,000 employees—approximately one-third of all Federal employees in the National Capital Region—joined the Federal transit benefit program created by the Executive Order. These program participants alone have eliminated an estimated 12,500 single-occupancy vehicles from Washington, D.C. area roads, helping to reduce congestion and improve air quality for our region.

The Executive Order, however, is limited. It does not cover the more than 100,000 Federal employees in the legislative and judicial branches, and the dozens of independent Federal agencies located in the Washington, D.C. region. While many of these organizations provide transit benefits to their employees, the implementation and level of benefit is up to the discretion of individual offices. As such, many of these organizations provide limited benefits or do not provide any benefits at all. Guaranteed transit benefits would give these employees more choice in their commuting options and provide an additional incentive to move off our congested roadways and onto public transit.

Of course, such incentives will be ineffective if employees lack access to transit services. In my own state of Maryland, the United States Food and Drug Administration planned to use its own resources to provide a shuttle service for its employees from its new White Oak facility to an area Metro station. When they investigated providing this service, FDA officials found that the current law does not allow Federal agencies to use their own vehicles to shuttle employees to mass transit stations.

The potential impact of this restriction on regional congestion is not insignificant. By 2005, FDA estimates 1,700 employees will work at the new White Oak facility, and plans have been made to eventually house more than 7,000 FDA researchers and administrators at the new facility. The lack of access from FDA's new campus to a transit station represents a lost opportunity for reducing congestion, improving our environment and elevating the quality of life for employees.

This type of lost opportunity occurs across the nation. Nationally, the Federal Government employs more than 2.6 million civilian workers at more than 3,000 Federal government office buildings. At Federal offices throughout the country, transit use is often limited as a commuting option due to lack of employee access to a transit station or a bus stop.

The Federal Employee Commuter Benefits Act would address both of these issues faced by Federal employees. First, the bill would put into law the Executive Order's requirement that transit pass benefits be made available to all qualified Federal employees in the National Capital Region. The bill also extends the requirement beyond executive branch agencies to include the legislative and judicial branches and independent agencies, providing guaranteed transit benefits to an additional 100,000 employees in the Washington, DC region.

Second, the Federal Employee Commuter Benefits Act would remove the restriction that prohibits a Federal agency from operating a shuttle service to a public transit facility. With this legislation, any Federal agency, anywhere in the United States, can choose to provide a transit shuttle service for their employees. By providing access to commuting alternatives, Federal agencies will be able to provide a benefit to their employees that can make getting to work easier, more affordable, and more employee-friendly. It will also provide an opportunity to help reduce congestion and improve air quality across the Nation.

Since 1982, the U.S. population has grown 20 percent, but the time spent by commuters in traffic has grown 236 percent. Each year, traffic congestion wastes nine billion gallons of fuel. By encouraging Federal employees to look to transit and by providing access to transit stations, we can help reduce congestion, improve the environment, and promote an improved quality of life.

I am introducing the Federal Employee Commuter Benefits Act because of the opportunities it will give Federal agencies to support public transportation, both by providing employee access to transit facilities across the nation, and by providing transit benefits to Federal employees in the Washington, D.C. region. Both of these improvements will aid our efforts to fight congestion and pollution by encouraging the use of transportation alternatives. This legislation is strongly supported by Federal employees, transit providers, and local elected officials, and I ask unanimous consent that the text of the bill, along with their letters of support, be printed in the RECORD. I encourage my colleagues to join me in supporting the Federal Employee Commuter Benefits Act.

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

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL NO. 12, AFL–CIO,

Washington, DC, September 25, 2003.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: The American Federation of Government Employees (AFGE) Local 12 represents 4,000 employees at the U.S. Department of Labor in the Washington D.C. metropolitan area.

We appreciate very much all the work you have done on behalf of Federal employees, in particular your work to assist our local to have the monthly transit subsidy raised to $100. Unfortunately, Secretary of Labor Elaine Chao continues to deny the $100 transit subsidy to the employees represented by AFGE Local 12. This is why I am writing to you today.

We respectfully request that you sponsor and introduce in the Senate a companion bill to H.R. 1151. The purpose of H.R. 1151 is ''To provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes.''

H.R. 1151 was introduced by Congressman Jim Moran and is co-sponsored by Representatives Eleanor Holmes Norton, Albert Wynn, Chris Van Hollen, Tom Davis, Steny Hoyer, and Frank Wolf. It has been marked up in the Subcommittee on Civil Service and Agency Organization of the Government Reform Committee.

Passage into law of this legislation would not only help employees at the Department of Labor and employees at any other Federal agency in this area where management has decided, for whatever reason, not to offer the tax-free maximum transit subsidy. It would also benefit the region generally by giving

more Federal employees the incentive to use mass transit, thus helping to lesson traffic congestion and air pollution.

If you would like to discuss this further, please call me. Thank you very much for your consideration of this serious matter.

Respectfully yours,

LAWRENCE C. DRAKE, Jr.,
President.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY,
Washington, DC, October 10, 2003.

Hon. PAUL SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: I am pleased to offer the Washington Metropolitan Area Transit Authority's (WMATA) endorsement of the legislation you are proposing concerning federal employee commuter benefits. This legislation is very important in supporting regional efforts to use every feasible technique to reduce the severe traffic congestion in the National Capital Region.

The recently released Texas Transportation Institute (TTI) report on congestion cites the metropolitan Washington region as the third most congested in the nation, despite intense transit use by commuters in this area. The TTI report cites a number of strategies that help to reduce congestion and the cost of delay to the residents of the region. For the Washington metropolitan area, the TTI report indicates that transit services currently save the metropolitan area more than $1 billion annually in delay costs and almost 42 percent of current delay time. A report issued by the Surface Transportation Policy Project (STPP) in 2002 noted that if TTI calculated person trip delay rather than vehicle delay and incorporated transit ridership into the equation, then the Washington metropolitan area congestion ranking would fall from 4th to 31st.

The TTI report and the STPP analysis demonstrate the positive affects of transit services on reducing traffic congestion in the Washington metropolitan area. With our assault on traffic congestion, it is essential that we continue to grow transit ridership. It is essential that the federal government as the region's largest employer, employing more than 374,000 people in this area, give employees every incentive to take transit. The tremendously successful transit benefits program, known in this area as Metrochek, is currently required to be offered to civilian and military employees of the Executive Branch and voluntarily provided by the U.S. House and Senate and several independent agencies. Since the imposition of Executive Order 13150 on October 1, 2000, the number of federal employees receiving transit benefits has increased 147 percent, from 57,000 to 141,000 and 47 percent of Metrorail's peak period riders are federal employees—up from 35 percent in the mid 1980s.

Your proposal will codify the federal employees transit benefit and expand its eligibility to judicial, legislative and independent agency employees in the National Capital Region. While some of these agencies already participate in the Metrochek program, this legislation ensures that participation will be uniform across all three branches of the federal government.

WMATA also supports the proposal to authorize the establishment of federal agency shuttles to and from mass transit facilities. While many federal agencies throughout the region are within walking distance of Metrorail stations, and other transit facilities, some are not. This legislation will make transit accessible to many federal workers for whom transit is not currently a viable alternative because their work site is not convenient to a Metro station.

Many thanks for your leadership in proposing this legislation. It is another example in a long list of initiatives you have sponsored to promote public transportation in the National Capital Region and the nation.

Sincerely,

RICHARD A. WHITE,
Chief Executive Officer.

MARYLAND DEPARTMENT OF TRANSPORTATION, THE SECRETARY'S OFFICE,
Hanover, MD, October 10, 2003.

Hon. PAUL S. SARBANES,
U.S. Senate, 309 Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SARBANES: It has recently been brought to my attention that you intend to introduce legislation to expand and strengthen existing transit benefits available to federal employees. My understanding is that the proposed bill would accomplish the following: Codify the existing employee transit benefit which is currently an Executive Order; extend the eligibility of transit pass benefits to legislative, judicial branch and independent agency employees in the National Capital Region (estimated to be over 100,000 employees); and allow government vehicles to be used to provide shuttle services between federal agency locations and mass transit facilities.

In the past Governor Ehrlich supported providing transit benefits to federal employees. The Ehrlich Administration continues its dedication to reducing congestion and aiding the environment. According to the recently released Texas Transportation Institute Study, the Washington area was ranked third in congestion nationwide, this situation will worsen unless serious measures are taken. Providing additional access and an improved ability to utilize public transportation is the type of sound policy that constitutes the balanced and comprehensive transportation strategy that is critically needed in the fight to relieve traffic congestion.

In our view, your proposed bill deserves and receives our support as it would expand coverage of a program that has served the many Maryland citizens residing in the Washington area who are employed by federal departments to those who work for the remaining federal governmental entities. If I may be of additional assistance, please do not hesitate to contact me.

Sincerely,

ROBERT L. FLANAGAN,
Secretary.

VIRGINIA RAILWAY EXPRESS,
Alexandria, VA, October 22, 2003.

Hon.PAUL SARBANES,
Ranking Member Senate Committee on Banking, Housing and Urban Affairs,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: I am writing to you to express my support for your efforts to offer legislation that would provide transit pass transportation fringe benefits to all qualified Federal employees in the National Capital region. As someone who has always been an advocate for the promotion of public transportation and the mobility it affords the citizenry, we are fortunate to have you as the Ranking Member of the Senate Committee on Banking, Housing and Urban Affairs, which oversees mass transit programs.

As you have witnessed, increased federal investment in transit under TEA 21 has led to dramatic growth in public transportation ridership, particularly in the National Capital Region. The Virginia Railway Express is a prime example of that growth, with ridership increasing by 18% each year for the past three years, making us one of the fastest growing commuter railroads in America. Nearly 69% of our ridership is comprised of federal and/or military employees working in the region.

Currently, transit benefits are offered to a select core of federal employees under Executive Order 13150. The benefit is limited to the executive branch agencies with no requirement for participation by the legislative and judicial branches. Such legislation would codify transit benefits to all eligible federal employees by broadening the scope of participation to another 100,000 workers, thus providing greater flexibility and mobility for the federal work force in the region.

Your legislation is significant not only because it affords greater options to our federal workforce, but also because the use of public transit is the only recourse to help relieve the growing problem of traffic congestion in the region. For instance, today VRE transports enough people to remove one lane of traffic off of I–95 and I–66 during peak rush hours in the morning and evening. Not only does it reduce car emissions; thus improving air quality, but also ensures that the federal and private workforce can get to work in a timely fashion; thus saving millions of dollars for employers. The passage of this legislation would only increase these benefits to our region.

In conclusion, let me again thank you for all the support that you have given to public transportation over the years and for authoring this much needed legislation. I hope that with your direct involvement that we will be successful in seeing this measure signed into law.

Sincerely,

DALE ZEHNER,
Acting Chief Operating Officer.

AMERICAN PUBLIC TRANSPORTATION ASSOCIATION,
Washington, DC, October 20, 2003.

Hon. PAUL S. SARBANES,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the 1,500 member organizations of the American Public Transportation Association (APTA), I write to express strong support for legislation you are proposing that would expand the use of transit-related commuter tax benefits in the Washington, D.C. region. This legislation will help promote the use of public transportation and thereby support regional efforts to reduce traffic congestion in the National Capital area. We note that a recent report by the Texas Transportation Institute (TTI) cited the Washington, D.C. metropolitan area as the third most congested in the nation.

As we understand it, your legislation would codify language currently in an executive order that requires federal executive branch agencies to offer to their employees transit benefits equal to employee commuting costs, up to $100 per month. The legislation would also expand the eligibility of these benefits to legislative and judicial branch employees in the National Capital area.

We believe that it is important that the federal government support the use of public transportation in its efforts to reduce congestion, minimize auto pollution, and make the best use of existing public transportation facilities that are built with a substantial federal investment. APTA has been a longtime proponent of providing federal tax incentives that promote public transportation at no less a level than those provided for parking.

We thank you for your leadership on this issue. If you have questions, please have your staff contact Rob Healy of APTA's Government Affairs staff at (202) 496–4811 or e-mail rhealy@apta.com. We look forward to

working with you to see this important legislation enacted into law.

Sincerely yours,

WILLIAM W. MILLAR,
President.

OFFICE OF THE COUNTY EXECUTIVE,
Rockville, Maryland, October 13, 2003.

Hon. PAUL S. SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: Thank you for introducing companion legislation to H.R. 1151, a bill to address federal employee commuter benefits, including a critical transit provision for a growing number of federal employees working for the Food and Drug Administration (FDA) at White Oak. This measure will directly benefit thousands of federal employees in the region, and indirectly help Montgomery County at reducing traffic congestion.

It is both timely and critical that this legislation be adopted now, given the increased challenges the Washington metropolitan area faces as a result of its recent designation as a severe air quality non-attainment area. As the region struggles to find the appropriate combination of actions necessary to bring air quality into conformity with healthier standards, this legislation can play a pivotal role.

Montgomery County has been a leader in encouraging employers to provide transit benefits to their employees. Through an intensive outreach program coupled with cost-sharing incentives, the County raises awareness among employers of the value of such benefits to both employees and the community. For employers considering these options for inclusion in their benefits packages, the context in which they operate is a critical factor in their decision.

The federal government, as the largest single employer in the region, plays a crucial role in setting that employment benefits context. It is critical that the federal government continue to provide transit benefits, and expand application of these key benefits to the maximum number of employees possible. By so doing, the federal government establishes the standard against which many other employers in the region measure their own benefits—a standard which has benefits for the people of the Washington region which extend far beyond those provided to the direct recipients.

By encouraging ridership to support a robust transit system throughout the region, federal transit benefits help provide accessibility in our transportation system. This is particularly true for the FDA consolidation at White Oak. It is critical that federal employees at FDA-White Oak not only be encouraged to use transit by providing extended transit benefits, but be permitted to travel on federal vehicles from their agency to our local system. Daily shuttle operations between White Oak and the New Carrollton or Silver Spring Metro stations will be a positive contribution toward increasing the security and accessibility of this federal facility, while also promoting transit ridership, and addressing air quality objectives in the region.

Again, thank you for your continued efforts to improve the lives of thousands of Montgomery County residents. Please let me know if I can do anything to help you in advancing this important legislation.

Sincerely,

DOUGLAS M. DUNCAN,
County Executive.

METROPOLITAN WASHINGTON
COUNCIL OF GOVERNMENTS,
Washington, DC, October 21, 2003.

Hon. PAUL S. SARBANES,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR SARBANES: On behalf of the National Capital Region Transportation Planning Board (TPB) at the Metropolitan Washington Council of Governments, I would like to applaud your introduction of new legislation to codify and expand the existing federal executive branch employee transit benefit in the National Capital Region and allow government vehicles to be used to provide shuttle services between federal agency locations and transit stations.

It is TPB policy to support regional, state, and federal programs which promote cost-effective strategies to reduce traffic congestion and improve air quality, including promoting the use of transit options and financial incentives. One of the most pressing issues facing the TPB is the contribution of vehicle emissions to the region's air quality problems. Expanding the transit benefits to more federal workers and providing shuttle links will encourage more transit use, which will help reduce automobile vehicle-miles traveled and reduce vehicle emissions.

In June of 2000, the Board of Directors of the Metropolitan Washington Council of Governments (COG) adopted a resolution to provide COG employees the same transit benefits that federal executive branch employees receive as a result of President Clinton's Executive Order of April 2000. It also strongly urged local governments and public agencies to adopt or expand similar transit benefit programs. We have estimated that 50,000 executive branch employees will use transit by 2005 as a result of the current transit benefits. Passage of this legislation will encourage even more federal workers to use transit and provide additional support to the region's efforts to reduce traffic congestion and improve air quality.

We greatly appreciate your introduction of this legislation. Your ongoing dedication to improving public transit in the Washington region continues to benefit families and organizations in our region.

Sincerely,

PETER SHAPIRO,
Chair, National Capital Region, Transportation Planning Board.

S. 1783

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Employee Commuter Benefits Act of 2003''.

SEC. 2. TRANSIT PASS TRANSPORTATION FRINGE BENEFITS.

(a) IN GENERAL.—Effective as of the first day of the next fiscal year beginning after the date of the enactment of this Act, each covered agency shall implement a program under which all qualified Federal employees serving in or under such agency shall be offered transit pass transportation fringe benefits, as described in subsection (b).

(b) BENEFITS DESCRIBED.—The benefits described in this subsection are, as of any given date, the transit pass transportation fringe benefits which, under section 2 of Executive Order 13150, are then currently required to be offered by Federal agencies in the National Capital Region.

(c) DEFINITIONS.—In this section—

(1) the term ''covered agency'' means any agency, to the extent of its facilities in the National Capital Region;

(2) the term ''agency'' means any agency (as defined by 7905(a)(2) of title 5, United States Code) not otherwise covered by section 2 of Executive Order 13150, the United States Postal Service, the Postal Rate Commission, and the Smithsonian Institution;

(3) the term ''National Capital Region'' includes the District of Columbia and every county or other geographic area covered by section 2 of Executive Order 13150;

(4) the term ''Executive Order 13150'' refers to Executive Order 13150 (5 U.S.C. 7905 note);

(5) the term ''Federal agency'' is used in the same way as under section 2 of Executive Order 13150; and

(6) any determination as to whether or not one is a ''qualified Federal employee'' shall be made applying the same criteria as would apply under section 2 of Executive Order 13150.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be considered to require that a covered agency—

(1) terminate any program or benefits in existence on the date of the enactment of this Act, or postpone any plans to implement (before the effective date referred to in subsection (a)) any program or benefits permitted or required under any other provision of law; or

(2) discontinue (on or after the effective date referred to in subsection (a)) any program or benefits referred to in paragraph (1), so long as such program or benefits satisfy the requirements of subsections (a) through (c).

SEC. 3. AUTHORITY TO USE GOVERNMENT VEHICLES TO TRANSPORT FEDERAL EMPLOYEES BETWEEN THEIR PLACE OF EMPLOYMENT AND MASS TRANSIT FACILITIES.

(a) IN GENERAL.—Section 1344 of title 31, United States Code, is amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

''(g)(1) A passenger carrier may be used to transport an officer or employee of a Federal agency between the officer's or employee's place of employment and a mass transit facility (whether or not publicly owned) in accordance with succeeding provisions of this subsection.

''(2) Notwithstanding section 1343, a Federal agency that provides transportation services under this subsection (including by passenger carrier) shall absorb the costs of such services using any funds available to such agency, whether by appropriation or otherwise.

''(3) In carrying out this subsection, a Federal agency shall—

''(A) to the maximum extent practicable, use alternative fuel vehicles to provide transportation services;

''(B) to the extent consistent with the purposes of this subsection, provide transportation services in a manner that does not result in additional gross income for Federal income tax purposes; and

''(C) coordinate with other Federal agencies to share, and otherwise avoid duplication of, transportation services provided under this subsection.

''(4) For purposes of any determination under chapter 81 of title 5, an individual shall not be considered to be in the 'performance of duty' by virtue of the fact that such individual is receiving transportation services under this subsection.

''(5)(A) The Administrator of General Services, after consultation with the National Capital Planning Commission and other appropriate agencies, shall prescribe any regulations necessary to carry out this subsection.

''(B) Transportation services under this subsection shall be subject neither to the last sentence of subsection (d)(3) nor to any

regulations under the last sentence of subsection (e)(1).

''(6) In this subsection, the term 'passenger carrier' means a passenger motor vehicle, aircraft, boat, ship, or other similar means of transportation that is owned or leased by the United States Government or the government of the District of Columbia.''.

(b) FUNDS FOR MAINTENANCE, REPAIR, ETC.—Subsection (a) of section 1344 of title 31, United States Code, is amended by adding at the end the following:

''(3) For purposes of paragraph (1), the transportation of an individual between such individual's place of employment and a mass transit facility pursuant to subsection (g) is transportation for an official purpose.

(c) COORDINATION.—The authority to provide transportation services under section 1344(g) of title 31, United States Code (as amended by subsection (a)) shall be in addition to any authority otherwise available to the agency involved.

By Mrs. FEINSTEIN (for herself, Mr. GRASSLEY, Mr. KOHL, Mr. BIDEN, Mr. KYL, and Mr. HARKIN):

S. 1784. A bill to eliminate the safe-harbor exception for certain packaged pseudoephedrine products used in the manufacture of methamphetamine; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the ''Methamphetamine Blister Pack Loophole Elimination Act of 2003,'' along with my colleagues Senators GRASSLEY, KOHL, BIDEN, KYL and HARKIN.

This is a simple bill, and directly follows recommendations made by the United States Drug Enforcement Administration in a 2002 study requested by Congress.

All this legislation does is make it harder for meth dealers to get the precursor pseudoephedrine products necessary to make this illegal drug.

Making it harder for meth dealers to make and obtain their drugs is something beneficial not just to California, but to the entire Nation.

Once predominantly found in the American Southwest, methamphetamine's presence now stretches from coast to coast.

I'm sorry to say that my home State of California has been referred to as the ''Colombia of meth production.'' In fact, our State is known as the ''source country'' for the drug, producing roughly 80 percent of the Nation's methamphetamine supply.

According to the DEA, 1,847 clandestine meth labs were found in California in 2001 alone.

In each of these meth labs across the country, those who make methamphetamine combine a number of precursor drugs, from red phosphorus, which is difficult to obtain, highly flammable and toxic, to pseudoephedrine, which can be found in common cold medicine in every supermarket, pharmacy, and convenience store in America.

Recognizing the easy availability of pseudoephedrine, Congress has acted several times to make it more difficult for meth dealers to purchase it in bulk.

First, we placed a 24-gram limit, which represented almost 1000 pills. Then, just a few years ago, we reduced this threshold to just 9 grams—still some 366 30-milligram pills. Anyone buying more than this amount of pseudoephedrine at one time would be required to give his or her name and address.

As it turns out, this reporting requirement is considered too burdensome by most retail stores, so instead of keeping track of purchasers, most retailers simply limit single transaction sales of pseudoephedrine pills to less than 9 grams. This is an even more beneficial result than the reporting requirements. Such limits, which now often go as low as three or even two packages of cold medicine, make it much harder for meth manufacturers to get this precursor drug. Instead of simply going to the local WalMart or Costco and clearing the shelves of thousands of packages at once, they must now buy just a few packages at a time.

But through all of this, there is one gaping loophole in the law, that allows any of this product packaged in so-called ''blister-packs'' to avoid these reporting requirements. Only loose pills in bottles face the 9-gram restrictions in the law.

Blister packs are the most common form of packaging for cold medicine, as anyone who goes grocery shopping knows. Most people who buy pseudoephedrine will find it in blister packs, as will most meth dealers. As a result, the 9-gram limit in the law has become fairly useless—we limited the sales of pills, so meth dealers simply migrated to blister packs.

This loophole in the law exists because of previous doubts, by some, that meth dealers would bother to use blister-packed products. These foil and plastic containers hold each pill individually, and as a result it is harder to gather the thousands of pills necessary to manufacture methamphetamine in bulk.

Those of us from California have known for some time that blister packs are a problem, because California's Bureau of Narcotic Enforcement has been finding blister packs at meth lab sites for years.

But to answer the doubts of those not lucky enough to come from my home state, we authorized DEA to do a study into this issue in 1999.

Well, that study is back, and guess what—DEA has given us clear, incontrovertible evidence that these blister packs are making up an increasing percentage of the pseudoephedrine found at lab sites.

In some instances, meth manufacturers use sophisticated, industrial ''deblistering'' machines to quickly extract pills from blister packs.

In others, I have been told, children are employed to sit in the meth lab and pop out thousands of pills, by hand, into nearby buckets.

According to the report we requested from the DEA, which was released in March of 2002, blister packaged pseudoephedrine products seized at clandestine methamphetamine laboratories and other locations, such as dumpsites, have involved seizures of over a million tablets.

The seizure of so many blister packaged pseudoephedrine products shows convincingly that blister packaging is not a deterrent to ordinary, over-the-counter pseudoephedrine use in clandestine methamphetamine laboratories.

So clearly, what we argued in 1999, and in 1996, is true. Meth manufacturers are using blister packs, and something must be done to stop them as best we can.

In order to address this problem, DEA recommended in its report that the blister pack loophole be closed, and that the current retail sales limit of 9 grams for bottled pseudoephedrine be extended to blister packed products as well.

And that, is all that this bill would do.

According to DEA, this is the single best thing we can do to help them in the fight against methamphetamine.

This legislation will clear up confusion among retailers who may find it hard to train employees to limit the sales of certain cold medicine if sold in bottles, but not the same medicine in other packaging.

This legislation will help DEA enforce the retail sales thresholds by making it harder for sellers to claim ignorance or confusion about the law.

This legislation might make it less likely that meth dealers will employ young children to pop pills out of the blister packs, all within harms reach in meth labs around the country.

This legislation will not negatively impact the ability of pharmaceutical manufacturers to make legitimate profits.

This legislation will not be a burden on consumers, because the 9 gram limit still represents 366 pills—30 packages of 12 pills, or 15 packages of 24 pills, two of the most common amounts.

It is hard for me to imagine that an average person—or even a large family—needs to buy more than 366 cold pills at one time. In fact, many stores throughout the country have already voluntarily limited pseudoephedrine sales to just a few packages at a time, and there has been little outcry from consumers unable to purchase more.

This bill is not a panacea for the meth problem in the United States—far from it. I have been working on various parts of the meth problem for many years, and I know that this must be a multi-faceted approach—tougher penalties, money for training, enforcement and clean-up, restrictions on precursor chemicals, tools for prosecutors, and so on.

But to fail to enact this legislation is to make it far easier for meth dealers to continue to easily ply their trade.

I urge my colleagues to look at this bill, join us in supporting it, and help us to pass it as soon as possible to assist the DEA in the very uphill battle

against the illegal and pervasive manufacture and sale of methamphetamine.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1784

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Methamphetamine Blister Pack Loophole Elimination Act of 2003''.

SEC. 2. FINDINGS.

Congress finds that—

(1) methamphetamine is a dangerous drug distributed throughout the United States;

(2) the manufacture, distribution, and use of methamphetamine results in increased crime, damage to the environment, hazardous waste that endangers the public, expensive cleanup costs often borne by Federal, State, and local government agencies, and broken families;

(3) Congress has acted many times to limit the availability of chemicals and equipment used in the manufacturing of methamphetamine;

(4) pseudoephedrine is 1 of the basic precursor chemicals used in the manufacture of methamphetamine;

(5) the United States Drug Enforcement Administration has indicated that methamphetamine manufacturers often obtain pseudoephedrine from retail and wholesale distributors, in both bottles and ''blister packs'', and that the use of pseudoephedrine tablets in blister packs is pervasive in the illicit production of methamphetamine in both small and large clandestine methamphetamine laboratories;

(6) while current law establishes a retail sales limit of 9 grams for most pseudoephedrine products, including common cold medicine, there is no such limit on the sale of blister-packed pseudoephedrine products;

(7) the 9 gram limit on bottled pseudoephedrine allows an individual to purchase approximately 366 thirty-milligram tablets at 1 time, which is more than enough for a typical consumer in 1 transaction;

(8) the United States Drug Enforcement Administration recommended in March 2002 that retail distribution of pseudoephedrine tablets in blister packages should not be exempt from the 9 gram retail sales limit; and

(9) in recommending legislation to correct the current disparity in the law between bottled and blister-packed pseudoephedrine tablets, the United States Drug Enforcement Administration stated that ''The removal of this difference would significantly prevent illicit access to this methamphetamine precursor and would be easier for both the government and the industry to monitor and would increase compliance by retailers''.

SEC. 3. ELIMINATION OF BLISTER PACK EXEMPTION.

(a) REGULATED TRANSACTION.—Section 102(39)(A)(iv)(I)(aa) of the Controlled Substances Act (21 U.S.C. 802(39)(A)(iv)(I)(aa)) is amended by striking ''(except that'' and all that follows through ''1996)''.

(b) RULE OF LAW.—To the extent that there exists a conflict between the amendment made by subsection (a) and section 401(d) of the Comprehensive Methamphetamine Control Act of 1996 (21 U.S.C. 802 note), the amendment shall control.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator FEINSTEIN as a cosponsor of the Methamphetamine Blister Pack Loophool Elimination Act of 2003. This legislation will make it harder for meth cooks to get an essential ingredient needed to manufacture methamphetamine. Methamphetamine is a dangerous narcotic and is a serious challenge facing our country. The manufacture, distribution, and use of methamphetamine has a lasting and devastating personal effect on our Nation's families, communities, and our environment.

According to the National Institute on Drug Abuse, methamphetamine is a highly addictive stimulant drug that strongly activates certain systems in the brain by releasing high levels of the neurotransmitter dopamine. Some of the short-term effects of using methamphetamine include: an accelerated heartbeat, elevated blood pressure, irritability, extreme nervousness, confusion, insomnia, aggression, tremors, convulsions, and hyperthermia, which can potentially result in death.

In addition to the effects on the central nervous system and the cardiovascular system, the prolonged use of methamphetamine also has many psychological effects. Some of the symptoms resemble those of schizophrenia and are characterized by anger, panic, paranoia, auditory and visual hallucinations, and repetitive behavior patterns.

Other long-term effects can result in kidney and lung disorders, brain damage, liver damage, blood clots, a deficient immune system and chronic depression.

The threat of methamphetamine is different than that of most other illegal drugs as it can be easily manufactured from readily available chemicals and substances. The relative ease of manufacturing and its highly addictive potential has caused methamphetamine use to drastically increase throughout the nation. According to the 2002 National Survey on Drug Abuse and Health 5.3 percent of the U.S. population—over 12 million people—reported trying methamphetamine at least once in their lifetime.

This is an alarming figure. Given the serious ramifications surrounding the use of methamphetamine, we need to be vigilant, making sure that we are doing all that we can to curb this dangerous statistic.

This bill makes specific clarifications to the Comprehensive Methamphetamine Act of 1996. While current law establishes a retail sales limit of 9 grams for most pseudoephedrine products, which is one of the basic precursor chemicals used in the manufacturing of methamphetamine, there is no such limit on the sale of ''blister-packed'' pseudoephedrine products.

The bill we are introducing today follows the recommendation of the U.S. Drug Enforcement Administration that retail distribution of pseudoephedrine tablets in blister packages should not be exempt from the 9-gram retail sales limit. This will make it more difficult for methamphetamine producers to obtain large quantities of the precursor chemical pseudoephedrine.

As Senator FEINSTEIN well knows, the two largest means of acquiring precursor chemicals for methamphetamine in California are by mail order and retail sales. This acquisition is made easier because the meth cooks are able to exploit the blister pack exemption provision in the current law. Removing this exemption will not halt meth production but it will make it more difficult for meth cooks to collect the key ingredients they need.

This is not the only answer to this problem, but it is an important step. Law enforcement cannot fix the problem alone. Schools can't do it alone. The Federal Government can't do it alone. It is important that we each unite and lead local anti-drug initiatives in our respective neighborhoods and communities. I encourage my colleagues to join us in supporting these important reforms. We cannot let this attack on our Nation's citizens go unchecked.

By Mr. KYL:

S.J. Res. 20. A joint resolution expressing the sense of Congress that the number of years during which the death tax under subtitle B of the Internal revenue Code of 1986 is repealed should be extended, pending the permanent repeal of the death tax; to the Committee on Finance.

Mr. KYL. Mr. President, today I am introducing a Sense of the Senate resolution that states that Congress should add to the number of years that repeal of the death tax will last until we archive its permanent repeal.

The death tax is an unfair, inefficient, economically unsound and, frankly, immoral tax that should not come back. I have introduced legislation, S. 13, to repeal it permanently in 2005. Unfortunately, under current law, it will only be repealed for 1 year, in 2010. The House of Representatives voted four times in the last 2 years to make repeal permanent, but because of Senate rules, we need 60 votes to do this.

And so, I propose a resolution that expresses the sense of the Senate that we should add 1 or more years to the 1-year repeal that is on the books. We could do this by moving the repeal date forward, for example, to 2009 or 2008; or we could extend the repeal through 2011 or 2012. This would signal to the American people that we will not let this tax come back.

I plan to follow up this resolution with a concerted effort next year to in fact add 1 or more years of repeal. We must end this tax on virtue, work, savings, job creation and the American dream, and we must end if forever. I urge all of my colleagues to join me in this effort.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 250—COMMENDING THE PEOPLE AND GOVERNMENT OF ROMANIA, ON THE OCCASION OF THE VISIT OF ROMANIAN PRESIDENT ION ILIESCU TO THE UNITED STATES, FOR THE IMPORTANT PROGRESS THEY HAVE MADE WITH RESPECT TO ECONOMIC REFORM AND DEMOCRATIC DEVELOPMENT, AS WELL AS FOR THE STRONG RELATIONSHIP BETWEEN ROMANIA AND THE UNITED STATES

Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BIDEN, Mr. HATCH, and Mr. MCCAIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 250

Whereas, in 1995, Romania joined with the United States and the North Atlantic Treaty Organization (NATO) to provide assistance to the Stabilization Force (SFOR) deployed to Bosnia and Herzegovina to support peace, security, and freedom in the western Balkans;

Whereas, in 1999, Romania joined with the United States and NATO member countries to provide assistance for Operation Allied Force to use military force in order to halt the genocide, known as ethnic cleansing, that was taking place in Kosovo;

Whereas, after the conclusion of Operation Allied Force, Romania provided support to democracy activists from the Federal Republic of Yugoslavia in their successful efforts to end the rule of Yugoslav dictator Slobodan Milosevic, and also provided support to NATO stabilization forces deployed in Kosovo Force (KFOR);

Whereas, following the terrorist attacks upon the United States in September 2001, the Government of Romania immediately expressed its sympathy for Americans and others killed in the attacks and pledged its full support in fighting the war on terror;

Whereas, on September 19, 2001, the Romanian Parliament voted to open Romanian territory and airspace to United States Armed Forces involved in Operation Enduring Freedom in Afghanistan;

Whereas thousands of American aircraft flew through Romanian airspace during the combat phase of Operation Enduring Freedom, and continue to do so as part of peacebuilding efforts;

Whereas, beginning on June 2002, Romanian aircraft flew Romanian soldiers to serve in Afghanistan as part of the forces involved in Operation Enduring Freedom and the International Security Assistance Force, and over 500 elite Romanian soldiers are currently stationed in Afghanistan;

Whereas Romania stood with the United States as a vital member of the international coalition in Operation Iraqi Freedom by offering diplomatic, political, and military support;

Whereas, in a January 31, 2003, letter to President George W. Bush, President Ion Iliescu of Romania stated that ''Romania can understand that aggressive dictators cannot be appeased or ignored, but always be opposed. Romanians indeed know the value of freedom and living in peace. They have seen the face of evil embodied in communism and deeply share your conviction, expressed in the State of the Union address, that 'free people will set the course of history' '';

Whereas, on February 12, 2003, the Romanian Parliament voted to open Romanian territory and airspace to United States Armed Forces carrying out Operation Iraqi Freedom;

Whereas hundreds of American aircraft flew through Romanian airspace and landed at Romanian airfields during the combat phase of Operation Iraqi Freedom from May to July 2003;

Whereas thousands of United States soldiers were stationed and transported into the Iraq theatre of operations from Mihail Kogalniceanu Air Base, and the neighboring Black Sea port of Constantza was also used in the fall of 2002 and spring of 2003 for rotating United States Armed Forces and equipment in and out of the Balkans;

Whereas, beginning on March 12, 2003, Romania began deploying military forces to Iraq to assist in building security, peace, and democracy, and over 750 Romanian soldiers are currently stationed in Iraq;

Whereas the Government of Romania has spent more than $160,000,000 during the past two years to fund its participation in SFOR, KFOR, Operation Enduring Freedom, the International Security Assistance Force, and Operation Iraqi Freedom;

Whereas, together with Bulgaria, Estonia, Latvia, Lithuania, Slovakia, and Slovenia, Romania successfully achieved the military, economic, and political reforms necessary to be invited, at the November 2002 summit meeting in Prague of the North Atlantic Council, to join the NATO alliance;

Whereas, in his historic address at Piata Revolutiei on November 23, 2002, President Bush told the Romanian people that ''Romania has made a historic journey. Instead of hatred, you have chosen tolerance. Instead of destructive rivalry with your neighbors, you have chosen reconciliation. Instead of state control, you have chosen free markets and the rule of law. And instead of dictatorship, you have built a proud and working democracy.''; and

Whereas, on May 8, 2003, the Senate voted 96 to 0 to approve the resolution of advice and consent to the Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia: Now, therefore, be it

Resolved, That the Senate—

(1) appreciates the support expressed by the people of Romania for strong and vibrant relations between the United States and Romania;

(2) recognizes the steps the Government of Romania has taken and continues to take in economic, political, and social reforms, including reforms to improve protections of the rights of minorities and to promote awareness and understanding of the Holocaust;

(3) commends Romania for its leadership and commitment in promoting regional peace and security in the Balkan and Black Sea regions;

(4) values the participation of a significant number of Romanian troops and civilian experts in Operation Enduring Freedom and Operation Iraqi Freedom, the permission granted by the Government of Romania for the United States to use Romanian airspace and territory, and the deployment of Romanian military forces in support of Operation Enduring Freedom and Operation Iraqi Freedom, all of which have been important contributions to the global war on terror and serve as a tangible and ongoing demonstration of Romania's commitment as an ally of the United States;

(5) supports further cooperation between the United States and Romania in the process of stabilizing and reconstructing Iraq, including the utilization of Romania's experience emerging from a Communist dictatorship and creating a functioning democracy and free market economy; and

(6) welcomes Romanian President Ion Iliescu to the United States and looks forward to expanded political, diplomatic, economic, and military cooperation between Romania and the United States.

SENATE RESOLUTION 251—DESIGNATING OCTOBER 27, 2003, AS ''INTERNATIONAL RELIGIOUS FREEDOM DAY''

Mr. BROWNBACK (for himself, Mr. LIEBERMAN, Mr. DORGAN, Mr. BAYH, Mrs. CLINTON, Mr. COLEMAN, Mr. CRAIG, Mr. CRAPO, Mr. DASCHLE, Mr. DURBIN, Mr. ENSIGN, Mrs. DOLE, Mr. ENZI, Mrs. FEINSTEIN, Mr. GRAHAM of South Carolina, Mr. HATCH, Mr. INHOFE, Mr. LAUTENBERG, Mr. LOTT, Mr. KOHL, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. SANTORUM, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. SPECTER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

Whereas the people of the United States enjoy and respect the freedom of religion and believe that the fundamental rights of all individuals shall be recognized;

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas religious freedom is an absolute human right and all people are entitled to do with their own souls as they choose;

Whereas the right to freedom of religion is expressed in the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief, adopted and proclaimed by the United Nations General Assembly Resolution 36/55 of November 22, 1981; the Helsinki Accords; the International Covenant on Civil and Political Rights, done at New York on December 16, 1966, and entered into force March 23, 1976; the United Nations Charter; and the Universal Declaration of Human Rights, adopted and proclaimed by the United Nations General Assembly Resolution 217(A)(III) of December 10, 1984;

Whereas the freedom for all individuals to adopt, believe, worship, observe, teach, and practice a religion individually or collectively has been explicitly articulated in Article 18 of the Universal Declaration of Human Rights and Article 18(1) of the International Covenant on Civil and Political Rights;

Whereas religious persecution is not confined to a country, a region, or a regime; but whereas all governments should provide and protect religious liberty;

Whereas nearly half of the people in the world are continually denied or restricted in the right to believe or practice their faith;

Whereas religious persecution often includes confinement, separation, humiliation, rape, enslavement, forced conversion, imprisonment, torture, and death;

Whereas October 27, 2003, marks the 5th anniversary of the signing of the International Religious Freedom Act of 1998 (22 U.S.C. 6401 et seq.), creating the Office of International Religious Freedom in the Department of State and the United States Commission on International Religious Freedom and resulting in a greater awareness of religious persecution both in the United States and abroad; and