

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

COMMITTEE ON FOREIGN RELATIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 6, 2004 at 2:30 p.m. to hold a hearing on Neglected Diseases in East Asia: Are Public Health Programs Working?

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions and the Committee on the Judiciary be authorized to meet for a joint hearing on BioShield II: Responding to an Ever-Changing Threat during the session of the Senate on Wednesday, October 6, 2004 at 10 a.m. in SH-216.

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

COMMITTEE ON INDIAN AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, October 6, 2004, at 10 a.m., in room 485 of the Hart Senate Office Building to conduct a business meeting on pending Committee matters.

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

COMMITTEE ON VETERANS' AFFAIRS

Ms. COLLINS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on October 6, 2004, for a markup on the nominations of Robert N. Davis, to be Judge, U.S. Court of Appeals for Veterans Claims; Mary J. Schoelen, to be a Judge, U.S. Court of Appeals for Veterans Claims; William A. Moorman, to be Judge, U.S. Court of Appeals for Veterans Claims; and Robert Allen Pittman, to be Assistant Secretary (Human Resources and Administration), U.S. Department of Veterans Affairs.

The meeting will take place in S-216 in the Capitol, immediately following the first rollcall vote of the Senate after 11:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on October 6, 2004, at 10 a.m., to hold a closed hearing.

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

SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE, AND INFRASTRUCTURE

Ms. COLLINS. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructure be authorized to meet on Wednesday, October 6, 2004, at 2:30 p.m., on Natural Gas.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, in executive session, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nominations: PN 1790, PN 1825, PN 1991, PN 1992, career senior Foreign Service list PN 1952.

I further ask unanimous consent that the Senate proceed to their consideration, the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's actions, and the Senate resume legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Christopher J. LaFleur, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

B. Lynn Pascoe, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Indonesia.

Ryan C. Crocker, of Washington, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Marcie B. Ries, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Albania.

The following-named Career Members of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service of a sustained period:

To be career ambassador

Ryan C. Crocker, of Washington
Marc Isaiah Grossman, of Virginia
A. Elizabeth Jones, of Maryland
Alan Philip Larson, of Iowa
Johnny Young, of Maryland

NOMINATIONS PLACED ON THE CALENDAR—PN— 1881, PN-1880, PN-1840, PN-1829, PN-1830

Mr. MCCONNELL. Mr. President, I further ask consent that the Foreign Relations Committee be discharged from consideration of the following nominations, and that the nominations be placed on the calendar: PN-1881, PN-1880, PN-1840, PN-1829, PN-1830.

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

APPOINTMENT

The PRESIDING OFFICER. the Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a-1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 108th Congress: Senator CHARLES GRASSLEY of Iowa, Senator MIKE DEWINE of Ohio, Senator MIKE ENZI of Wyoming and Senator GEORGE VOINOVICH of Ohio.

ANABOLIC STEROID CONTROL ACT OF 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 750, S. 2195.

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

The legislative clerk read as follows:

A bill (S. 2195) 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.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following: [Strike the part shown in black brackets and insert the part in italic.]

S. 2195

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 2004".]

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); and

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

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

[(i) androstenediol—

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

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

[(ii) androstanedione (5 α -androst-3,17-dione);

[(iii) androstenediol—

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

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

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

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

[(iv) androstenedione—

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

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

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

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

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

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

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

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

[(x) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone') (17 β -hydroxy-5 α -androst-1-en-3-one);

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

[(xii) drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);

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

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

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

[(xvi) furazabol (17 α -methyl-17 β -hydroxyandrostan[2,3-c]-furazan);

[(xvii) 13 α -ethyl-17 α -hydroxygon-4-en-3-one;

[(xviii) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);

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

[(xx) mestanolone (17 α -methyl-17 β -hydroxy-5 α -androstan-3-one);

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

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

[(xxiii) methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);

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

[(xxv) methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);

[(xxvi) mibolone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);

[(xxvii) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (a.k.a. '17 α -methyl-1-testosterone');

[(xxviii) nandrolone (17 β -hydroxyestr-4-en-3-one);

[(xxix) norandrostenediol—

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

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

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

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

[(xxx) norandrostenedione—

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

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

[(xxxi) norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);

[(xxxii) norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);

[(xxxiii) norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);

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

[(xxxv) oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);

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

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

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

[(xxxix) testolactone (13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-17-oic acid lactone);

[(xl) testosterone (17 β -hydroxyandrost-4-en-3-one);

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

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

[(xliii) any salt, ester, or ether of a drug or substance described in this paragraph.”; and

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

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

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

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

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

[(c) ANABOLIC STEROIDS CONTROL ACT.—Section 1903 of the Anabolic Steroids Control Act of 1990 (Public Law 101-647) 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 trafficking and 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 2005 through 2010.

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 2005 through 2010.]

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“(i) androstenediol—

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

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

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

“(iii) androstenediol—

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

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

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

“(iv) androstenedione—

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

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

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

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

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

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

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

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

“(x) Δ 1-dihydrotestosterone (a.k.a. ‘1-testosterone’) (17 β -hydroxy-5 α -androst-1-en-3-one);

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

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

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

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

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

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

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

“(xxiii) methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);

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

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

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

“(xxvii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene.

“(xxviii) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-3-one);

“(xxix) methylidenolone (17 α -methyl-17 β -hydroxyestr-4,9(10)-dien-3-one);

“(xxx) methyltrienolone (17 α -methyl-17 β -hydroxyestr-4,9-11-trien-3-one);

“(xxxi) methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);

“(xxxi) mibolone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);

“(xxxi) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-en-3-one) (a.k.a. ‘17- α -methyl-1-testosterone’);

“(xxxi) nandrolone (17 β -hydroxyestr-4-en-3-one);

“(xxxi) norandrostenediol—

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

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“(xxxi) norandrostenedione—

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

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“(xxxi) norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);

“(xxxi) norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);

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

“(xi) normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);

“(xi) oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androst-3-one);

“(xii) oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);

“(xiii) oxymetholone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-androst-3-one);

“(xiv) stanozolol (17 α -methyl-17 α -hydroxy-[5 α]-androst-2-en-[3,2-c]-pyrazole);

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

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

“(xvii) testosterone (17 β -hydroxyandrost-4-en-3-one);

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

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

“(x) any salt, ester, or ether of a drug or substance described in this paragraph.

The substances excluded under this subparagraph may at any time be scheduled by the Attorney General in accordance with the authority and requirements of subsections (a) through (c) of section 201.”; 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.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 90 days after the date of enactment of this Act.

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 trafficking and 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 2005 through 2010.

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 2005 through 2010.

DIETARY SUPPLEMENTS

Mr. BIDEN. The purpose of S. 2195, The Anabolic Steroid Control Act of 2004, is to address the abuse of steroids by athletes and, especially, by youngsters and teenagers. Some substances marketed as dietary supplements, such as androstenedione, will be anabolic

steroids under this bill. That means that they will be regulated as controlled substances and not as dietary supplements. As such, there will be significant controls on their distribution and use, including substantial criminal penalties.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BIDEN. I will.

Mr. DURBIN. I would like to commend the senior Senator from Delaware and the chairman of the Judiciary Committee, the senior Senator from Utah, for their leadership on this important legislation. I would also like to ask the distinguished Senator from Delaware to elaborate on how this bill affects DHEA, a hormone precursor that is sometimes marketed as a dietary supplement.

Mr. BIDEN. I thank the senior Senator from Illinois for his question, and for working with us to clarify this issue in the bill. We do not intend this bill to stop the use of substances that are legitimately marketed as dietary supplements, or to limit access to substances that are not abused as steroids by athletes or children. With respect to DHEA, this legislation does not make it a controlled substance, and the legislation should mean that legitimate users of DHEA would continue to have access to it if it is lawfully marketed.

Mr. HATCH. Will the Senator yield?

Mr. BIDEN. I will.

Mr. HATCH. I too would like to thank the senior Senator from Illinois for working with the senior Senator from Delaware and with me on this legislation. I would also like to clarify, however, that the legislation does provide that, if the Drug Enforcement Administration should find that DHEA is being abused by athletes, by youngsters, or by teenagers, DEA can schedule it as a controlled substance.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. HATCH. I will.

Mr. KENNEDY. I commend the senior Senator from Utah, as well as the senior Senator from Delaware, for their leadership on this legislation, and for working with me and the senior Senator from Illinois to address the issue of DHEA. Could the Senator explain to me how the Drug Enforcement Administration would go about scheduling DHEA?

Mr. HATCH. Certainly. The legislation clarifies that DEA may schedule DHEA by applying the standards in section 201 of the Controlled Substances Act, including the standard eight factors listed in section 201(c) of that Act.

Mr. DURBIN. Will the distinguished Senator yield for a question?

Mr. HATCH. I will.

Mr. DURBIN. Will the Senator please explain whether the Drug Enforcement Administration will need to consider that DHEA meets each of the eight factors in section 201(c) to schedule it?

Mr. HATCH. The DEA need not find that DHEA meets each of the eight factors before it can be scheduled. For example, if DEA considers that DHEA

has no or minimal psychic or physiological dependence liability, DEA may nonetheless schedule DHEA if DEA concludes, after consideration of the facts and relative importance of other of the factors such as the actual or relative potential for abuse; the history and current pattern of abuse; or the scope, duration, and significance of abuse, that it should be scheduled. Karen P. Tandy, the administrator of the DEA, has written me a letter stating that the presence of each of the eight factors is not a mandatory prerequisite to scheduling. I ask unanimous consent that the letter dated May 20, 2004, be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT ADMINISTRATION,
Washington, DC, May 20, 2004.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to respond to questions your staff posed regarding consideration of certain statutory factors incident to scheduling substances under the Controlled Substances Act.

The relevant statutory provision, 21 U.S.C. §811(c), requires consideration of eight specific factors as one of the prerequisites to whether a substance should be scheduled. The presence of each individual factor or specific findings with respect to each individual factor are not a mandatory prerequisite to scheduling. These statutory factors are: (1) The drug's actual or relative potential for abuse; (2) Scientific evidence of the drug's pharmacological effects; (3) The state of current scientific knowledge regarding the subject; (4) Its history and current pattern of abuse; (5) The scope, duration, and significance of abuse; (6) What, if any, risk there is to the public health; (7) The drug's psychic or physiological dependence liability and; (8) Whether a substance is an immediate precursor of a substance already controlled.

You should be aware that evaluation of these eight factors is not solely determinative and is part of a more extensive scheduling process. The entire process for scheduling substances to which these eight factors apply includes: consideration of additional statutory criteria relevant to each specific schedule [21 U.S.C. §811(b)]; an evaluation and recommendation by the Secretary of Health and Human Services; and then a formal rulemaking.

I appreciate the opportunity to clarify this matter, and please let me know if I may answer any further questions.

Sincerely,

KAREN P. TANDY,
Administrator.

Mr. KENNEDY. Will my good friend from Utah yield for a further question?

Mr. HATCH. Certainly.

Mr. KENNEDY. If DHEA becomes an abuse problem by athletes or by youngsters or teenagers, and DEA fails to act, can the Senator assure me and the senior Senator from Illinois that the Judiciary Committee will act accordingly?

Mr. HATCH. Yes, I am committed to stepping in to change the law to protect the public health if abuse of DHEA by athletes or by youngsters or teenagers is a problem and DEA fails to take effective action with the author-

ity we have given it. I must add for the record that at the present time I am not aware of sufficient evidence of DHEA abuse among athletes or young people to warrant it being categorized as an anabolic steroid at this time.

Mr. BIDEN. Will the Senator yield?

Mr. HATCH. Yes.

Mr. BIDEN. I, too, am committed to acting whenever any substance, whether it is DHEA or another steroid substance, becomes an abuse problem.

Mr. MCCONNELL. I ask unanimous consent that the technical amendment at the desk be agreed to; the committee-reported amendment, as amended, be agreed to; the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 3982) was agreed to, as follows:

In section 4(c) in the matter proposed to be inserted, strike "primarily".

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

The bill (S. 2195), as amended, was read the third time and passed.

DISTRICT OF COLUMBIA APPROPRIATIONS FOR THE FISCAL YEAR 2005, AND FOR OTHER PURPOSES—CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I submit a report of the committee of conference on the bill (H.R. 4850), and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4850), making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes, having met, have agreed that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the proceedings of the House in the RECORD of Tuesday, October 5, 2004.)

Ms. LANDRIEU. Mr. President, I am very pleased to join Chairman DEWINE while the Senate considers passage of the fiscal year 2005 District of Columbia appropriations conference report. The bill totals \$560 million, which is an increase of \$18.3 million from fiscal year 2004. The conference agreement represents a concerted effort of the House and Senate members to complete a bi-partisan bill only 6 days into the new fiscal year. This is a true win for the District of Columbia, whose budget has been delayed in Congress past December and January in recent years.

During our 3-year term as chairman and ranking member of the D.C. Appropriations Subcommittee, Senator DEWINE and I have met many challenges to stay in our allocation and deal appropriately with controversial issues. Above it all we have remained great friends. The conference report meets the District's current needs in security, criminal justice, education, and child welfare.

The conference report funds the three criminal justice functions transferred to the Federal Government for funding and oversight in the National Capital Revitalization and Self-Government Improvement Act of 1997. These functions, the courts, offender supervision, and defender services, are funded at a level which will meet the needs of FY 2005, though it was necessary to reduce funding in order to support other priorities of the Mayor and Council of the District.

The conferees recommend \$190.8 million for the D.C. Courts, of which \$56 million is for capital improvements which we believe will be sufficient to continue restoration of the historic Old Courthouse and planning for the new Family Court facility. I was pleased to attend the ribbon cutting just a few weeks ago for the renovated interim space of the Family Court, which we funded last year. The courts have done a tremendous job of improving how the court operates, as well as improving the points where residents interact with the court—the training of their staff and the aesthetic of space. It is so important, especially for children visiting the court, to have a space that welcomes them and enables confidence in the justice system. The courts are to be commended for doing so much with small increases and we have confidence they will be able to continue this year.

In addition, \$180 million is included for the Court Services and Offender Supervision Agency which is responsible for all adult offenders reentering the community from prison. This agency has a critical role in public safety in the District and we have worked to ensure they have the tools needed to do their job. Chairman DEWINE championed an initiative to lower the caseload ratios for special population offenders and expand use of technology to ensure offenders are meeting their parole requirements. The conference also includes \$38.5 million for defender services which represents indigent defendants in the District. It is our intention this level will enable the courts to increase the pay of lawyers from \$50 to \$60 per hour, an increase which was started 3 years ago.

Outside of the Congress' responsibility for the main criminal justice functions in the District, the bill also funds several key initiatives which the House and Senate have launched to contribute to improving education and the welfare of children in the District. I want to recognize Senator DEWINE's commitment to abused and neglected children in this city, including \$5 million for early intervention services,